

As Passed by the Senate

127th General Assembly

Regular Session

2007-2008

Am. Sub. H. B. No. 562

Representative Hottinger

Cosponsors: Representatives Peterson, Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Evans, Flowers, Garrison, Hagan, R., Hite, Jones, McGregor, R., Patton, Redfern, Schlichter, Stewart, D., Stewart, J., Strahorn, Yates, Adams, Book, Brady, Collier, Combs, Dolan, Domenick, Dyer, Gerberry, Goyal, Hagan, J., Harwood, Hughes, Koziura, Mallory, McGregor, J., Schindel, Setzer, Szollosi, Ujvagi, Webster, White, Widowfield, Beatty, Celeste, Coley, Fende, Heard, Letson, Luckie, Newcomb, Sykes, Williams, B.

Senators Carey, Cafaro, Wilson, Kearney, Boccieri, Coughlin, Fedor, Goodman, Grendell, Harris, Morano, Mumper, Niehaus, Padgett, Roberts, Seitz, Spada, Stivers, Mason, Schaffer, Miller, D., Miller, R., Austria, Schuring

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6117.42, 6117.43, 6117.44, 6117.45, and 6117.49; 60
to amend, for the purpose of adopting new section 61
numbers as indicated in parentheses, sections 62
3323.31 (3323.33), 3323.32 (3323.34), 3323.33 63
(3323.35), 3353.20 (3333.81), 3353.21 (3333.82), 64
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(3333.86), 3353.28 (3333.87), and 3353.29 66
(3333.88); to enact new sections 3323.31 and 67
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subsequently amended, to amend Sections 201.10 and 92
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the 127th General Assembly, to amend Section 103
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Assembly, as subsequently amended, to amend 105
Sections 101.10, 103.80.50, 201.30, 201.50, 106
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496 of the 127th General Assembly; to repeal 108
Section 5 of Am. Sub. H.B. 24 of the 127th General 109
Assembly and to repeal Section 375.80.10 of Am. 110
Sub. H.B. 119 of the 127th General Assembly to 111

make capital and other appropriations and to 112
provide authorization and conditions for the 113
operation of state programs. 114
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 101.01. That sections 9.231, 9.24, 9.835, 105.41, 118
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125.021, 125.022, 125.04, 125.041, 125.05, 125.06, 125.07, 125.18, 120
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4303.182, 4510.10, 4511.01, 4511.101, 4511.181, 4511.191, 4731.65, 145
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5745.05, 5747.01, 5747.02, 5748.022, 5751.20, 5751.21, 6101.53, 158
6101.55, 6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 159
6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 160
6117.42, 6117.43, 6117.44, 6117.45, and 6117.49 be amended; 161
sections 3323.31 (3323.33), 3323.32 (3323.34), 3323.33 (3323.35), 162
3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 3353.26 163
(3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 3353.29 164
(3333.88) be amended for the purposes of adopting new section 165
numbers as indicated in parentheses; and new sections 3323.31 and 166
3323.32 and sections 107.19, 125.051, 133.52, 135.101, 135.102, 167
135.103, 135.104, 135.105, 135.106, 303.213, 519.213, 713.081, 168
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4905.84, 4906.20, 5101.143, 5104.041, 5111.0210, 5111.71, 172
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5111.875, 5111.876, 5111.877, 5111.878, 5111.879, 5111.8710, 174
5112.371, 5123.0417, 5501.09, 5502.68, 5533.94, 5703.82, 5705.199, 175
5721.371, 5721.381, 5747.082, 5749.17, 6121.045, and 6123.042 of 176
the Revised Code be enacted to read as follows: 177

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Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 183
this section, a governmental entity shall not disburse money 184
totaling twenty-five thousand dollars or more to any person for 185
the provision of services for the primary benefit of individuals 186
or the public and not for the primary benefit of a governmental 187
entity or the employees of a governmental entity, unless the 188
contracting authority of the governmental entity first enters into 189
a written contract with the person that is signed by the person or 190
by an officer or agent of the person authorized to legally bind 191
the person and that embodies all of the requirements and 192
conditions set forth in sections 9.23 to 9.236 of the Revised 193
Code. If the disbursement of money occurs over the course of a 194
governmental entity's fiscal year, rather than in a lump sum, the 195
contracting authority of the governmental entity shall enter into 196
the written contract with the person at the point during the 197
governmental entity's fiscal year that at least seventy-five 198
thousand dollars has been disbursed by the governmental entity to 199
the person. Thereafter, the contracting authority of the 200
governmental entity shall enter into the written contract with the 201
person at the beginning of the governmental entity's fiscal year, 202
if, during the immediately preceding fiscal year, the governmental 203
entity disbursed to that person an aggregate amount totaling at 204

least seventy-five thousand dollars. 205

(2) If the money referred to in division (A)(1) of this 206
section is disbursed by or through more than one state agency to 207
the person for the provision of services to the same population, 208
the contracting authorities of those agencies shall determine 209
which one of them will enter into the written contract with the 210
person. 211

(3) The requirements and conditions set forth in divisions 212
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 213
and (B) of section 9.234, divisions (A)(2) and (B) of section 214
9.235, and sections 9.233 and 9.236 of the Revised Code do not 215
apply with respect to the following: 216

(a) Contracts to which all of the following apply: 217

(i) The amount received for the services is a set fee for 218
each time the services are provided, is determined in accordance 219
with a fixed rate per unit of time or per service, or is a 220
capitated rate, and the fee or rate is established by competitive 221
bidding or by a market rate survey of similar services provided in 222
a defined market area. The market rate survey may be one conducted 223
by or on behalf of the governmental entity or an independent 224
survey accepted by the governmental entity as statistically valid 225
and reliable. 226

(ii) The services are provided in accordance with standards 227
established by state or federal law, or by rules or regulations 228
adopted thereunder, for their delivery, which standards are 229
enforced by the federal government, a governmental entity, or an 230
accrediting organization recognized by the federal government or a 231
governmental entity. 232

(iii) Payment for the services is made after the services are 233
delivered and upon submission to the governmental entity of an 234
invoice or other claim for payment as required by any applicable 235

local, state, or federal law or, if no such law applies, by the	236
terms of the contract.	237
(b) Contracts under which the services are reimbursed through	238
or in a manner consistent with a federal program that meets all of	239
the following requirements:	240
(i) The program calculates the reimbursement rate on the	241
basis of the previous year's experience or in accordance with an	242
alternative method set forth in rules adopted by the Ohio	243
department of job and family services.	244
(ii) The reimbursement rate is derived from a breakdown of	245
direct and indirect costs.	246
(iii) The program's guidelines describe types of expenditures	247
that are allowable and not allowable under the program and	248
delineate which costs are acceptable as direct costs for purposes	249
of calculating the reimbursement rate.	250
(iv) The program includes a uniform cost reporting system	251
with specific audit requirements.	252
(c) Contracts under which the services are reimbursed through	253
or in a manner consistent with a federal program that calculates	254
the reimbursement rate on a fee for service basis in compliance	255
with United States office of management and budget Circular A-87,	256
as revised May 10, 2004.	257
(d) Contracts for services that are paid pursuant to the	258
earmarking of an appropriation made by the general assembly for	259
that purpose.	260
(B) Division (A) of this section does not apply if the money	261
is disbursed to a person pursuant to a contract with the United	262
States or a governmental entity under any of the following	263
circumstances:	264
(1) The person receives the money directly or indirectly from	265

the United States, and no governmental entity exercises any 266
oversight or control over the use of the money. 267

(2) The person receives the money solely in return for the 268
performance of one or more of the following types of services: 269

(a) Medical, therapeutic, or other health-related services 270
provided by a person if the amount received is a set fee for each 271
time the person provides the services, is determined in accordance 272
with a fixed rate per unit of time, or is a capitated rate, and 273
the fee or rate is reasonable and customary in the person's trade 274
or profession; 275

(b) Medicaid-funded services, including administrative and 276
management services, provided pursuant to a contract or medicaid 277
provider agreement that meets the requirements of the medicaid 278
program established under Chapter 5111. of the Revised Code. 279

(c) Services, other than administrative or management 280
services or any of the services described in division (B)(2)(a) or 281
(b) of this section, that are commonly purchased by the public at 282
an hourly rate or at a set fee for each time the services are 283
provided, unless the services are performed for the benefit of 284
children, persons who are eligible for the services by reason of 285
advanced age, medical condition, or financial need, or persons who 286
are confined in a detention facility as defined in section 2921.01 287
of the Revised Code, and the services are intended to help promote 288
the health, safety, or welfare of those children or persons; 289

(d) Educational services provided by a school to children 290
eligible to attend that school. For purposes of division (B)(2)(d) 291
of this section, "school" means any school operated by a school 292
district board of education, any community school established 293
under Chapter 3314. of the Revised Code, or any nonpublic school 294
for which the state board of education prescribes minimum 295
education standards under section 3301.07 of the Revised Code. 296

(e) Services provided by a foster home as defined in section 5103.02 of the Revised Code;	297 298
(f) "Routine business services other than administrative or management services," as that term is defined by the attorney general by rule adopted in accordance with Chapter 119. of the Revised Code;	299 300 301 302
(g) Services to protect the environment or promote environmental education that are provided by a nonprofit entity or services to protect the environment that are funded with federal grants or revolving loan funds and administered in accordance with federal law;	303 304 305 306 307
<u>(h) Services, including administrative and management services, provided under the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.</u>	308 309 310
(3) The person receives the money solely in return for the performance of services intended to help preserve public health or safety under circumstances requiring immediate action as a result of a natural or man-made emergency.	311 312 313 314
(C) With respect to a nonprofit association, corporation, or organization established for the purpose of providing educational, technical, consulting, training, financial, or other services to its members in exchange for membership dues and other fees, any of the services provided to a member that is a governmental entity shall, for purposes of this section, be considered services "for the primary benefit of a governmental entity or the employees of a governmental entity.	315 316 317 318 319 320 321 322
Sec. 9.24. (A) Except as may be allowed under division (F) of this section, no state agency and no political subdivision shall award a contract as described in division (G)(1) of this section for goods, services, or construction, paid for in whole or in part	323 324 325 326

with state funds, to a person against whom a finding for recovery 327
has been issued by the auditor of state on and after January 1, 328
2001, if the finding for recovery is unresolved. 329

A contract is considered to be awarded when it is entered 330
into or executed, irrespective of whether the parties to the 331
contract have exchanged any money. 332

(B) For purposes of this section, a finding for recovery is 333
unresolved unless one of the following criteria applies: 334

(1) The money identified in the finding for recovery is paid 335
in full to the state agency or political subdivision to whom the 336
money was owed; 337

(2) The debtor has entered into a repayment plan that is 338
approved by the attorney general and the state agency or political 339
subdivision to whom the money identified in the finding for 340
recovery is owed. A repayment plan may include a provision 341
permitting a state agency or political subdivision to withhold 342
payment to a debtor for goods, services, or construction provided 343
to or for the state agency or political subdivision pursuant to a 344
contract that is entered into with the debtor after the date the 345
finding for recovery was issued. 346

(3) The attorney general waives a repayment plan described in 347
division (B)(2) of this section for good cause; 348

(4) The debtor and state agency or political subdivision to 349
whom the money identified in the finding for recovery is owed have 350
agreed to a payment plan established through an enforceable 351
settlement agreement. 352

(5) The state agency or political subdivision desiring to 353
enter into a contract with a debtor certifies, and the attorney 354
general concurs, that all of the following are true: 355

(a) Essential services the state agency or political 356

subdivision is seeking to obtain from the debtor cannot be 357
provided by any other person besides the debtor; 358

(b) Awarding a contract to the debtor for the essential 359
services described in division (B)(5)(a) of this section is in the 360
best interest of the state; 361

(c) Good faith efforts have been made to collect the money 362
identified in the finding of recovery. 363

(6) The debtor has commenced an action to contest the finding 364
for recovery and a final determination on the action has not yet 365
been reached. 366

(C) The attorney general shall submit an initial report to 367
the auditor of state, not later than December 1, 2003, indicating 368
the status of collection for all findings for recovery issued by 369
the auditor of state for calendar years 2001, 2002, and 2003. 370
Beginning on January 1, 2004, the attorney general shall submit to 371
the auditor of state, on the first day of every January, April, 372
July, and October, a list of all findings for recovery that have 373
been resolved in accordance with division (B) of this section 374
during the calendar quarter preceding the submission of the list 375
and a description of the means of resolution. The attorney general 376
shall notify the auditor of state when a judgment is issued 377
against an entity described in division (F)(1) of this section. 378

(D) The auditor of state shall maintain a database, 379
accessible to the public, listing persons against whom an 380
unresolved finding for recovery has been issued, and the amount of 381
the money identified in the unresolved finding for recovery. The 382
auditor of state shall have this database operational on or before 383
January 1, 2004. The initial database shall contain the 384
information required under this division for calendar years 2001, 385
2002, and 2003. 386

Beginning January 15, 2004, the auditor of state shall update 387

the database by the fifteenth day of every January, April, July, 388
and October to reflect resolved findings for recovery that are 389
reported to the auditor of state by the attorney general on the 390
first day of the same month pursuant to division (C) of this 391
section. 392

(E) Before awarding a contract as described in division 393
(G)(1) of this section for goods, services, or construction, paid 394
for in whole or in part with state funds, a state agency or 395
political subdivision shall verify that the person to whom the 396
state agency or political subdivision plans to award the contract 397
has no unresolved finding for recovery issued against the person. 398
A state agency or political subdivision shall verify that the 399
person does not appear in the database described in division (D) 400
of this section or shall obtain other proof that the person has no 401
unresolved finding for recovery issued against the person. 402

(F) The prohibition of division (A) of this section and the 403
requirement of division (E) of this section do not apply with 404
respect to the companies, payments, or agreements described in 405
divisions (F)(1) and (2) of this section, or in the circumstance 406
described in division (F)(3) of this section. 407

(1) A bonding company or a company authorized to transact the 408
business of insurance in this state, a self-insurance pool, joint 409
self-insurance pool, risk management program, or joint risk 410
management program, unless a court has entered a final judgment 411
against the company and the company has not yet satisfied the 412
final judgment. 413

(2) To medicaid provider agreements under Chapter 5111. of 414
the Revised Code ~~or~~, payments or provider agreements under 415
disability assistance medical assistance established under Chapter 416
5115. of the Revised Code, or payments or provider agreements 417
under the children's buy-in program established under sections 418
5101.5211 to 5101.5216 of the Revised Code. 419

(3) When federal law dictates that a specified entity provide the goods, services, or construction for which a contract is being awarded, regardless of whether that entity would otherwise be prohibited from entering into the contract pursuant to this section.

(G)(1) This section applies only to contracts for goods, services, or construction that satisfy the criteria in either division (G)(1)(a) or (b) of this section. This section may apply to contracts for goods, services, or construction that satisfy the criteria in division (G)(1)(c) of this section, provided that the contracts also satisfy the criteria in either division (G)(1)(a) or (b) of this section.

(a) The cost for the goods, services, or construction provided under the contract is estimated to exceed twenty-five thousand dollars.

(b) The aggregate cost for the goods, services, or construction provided under multiple contracts entered into by the particular state agency and a single person or the particular political subdivision and a single person within the fiscal year preceding the fiscal year within which a contract is being entered into by that same state agency and the same single person or the same political subdivision and the same single person, exceeded fifty thousand dollars.

(c) The contract is a renewal of a contract previously entered into and renewed pursuant to that preceding contract.

(2) This section does not apply to employment contracts.

(H) As used in this section:

(1) "State agency" has the same meaning as in section 9.66 of the Revised Code.

(2) "Political subdivision" means a political subdivision as

defined in section 9.82 of the Revised Code that has received more 450
than fifty thousand dollars of state money in the current fiscal 451
year or the preceding fiscal year. 452

(3) "Finding for recovery" means a determination issued by 453
the auditor of state, contained in a report the auditor of state 454
gives to the attorney general pursuant to section 117.28 of the 455
Revised Code, that public money has been illegally expended, 456
public money has been collected but not been accounted for, public 457
money is due but has not been collected, or public property has 458
been converted or misappropriated. 459

(4) "Debtor" means a person against whom a finding for 460
recovery has been issued. 461

(5) "Person" means the person named in the finding for 462
recovery. 463

(6) "State money" does not include funds the state receives 464
from another source and passes through to a political subdivision. 465
466

Sec. 9.835. (A) As used in this section: 467

(1) "Energy price risk management contract" means a contract 468
that ~~mitigates~~ is intended to mitigate, for the term of the 469
contract, the price volatility of energy sources, including, but 470
not limited to, a contract or futures contract for natural gas, 471
gasoline, oil, and diesel fuel, and that is a budgetary and 472
financial tool only and not a contract for the procurement of an 473
energy source. 474

(2) "Political subdivision" means a county, city, village, 475
township, park district, ~~or~~ school district, or regional transit 476
authority. 477

(3) "State entity" means the general assembly, the supreme 478
court, the court of claims, the office of an elected state 479

officer, or a department, bureau, board, office, commission, 480
agency, institution, or other instrumentality of this state 481
established by the constitution or laws of this state for the 482
exercise of any function of state government, but excludes a 483
political subdivision, an institution of higher education, the 484
public employees retirement system, the Ohio police and fire 485
pension fund, the state teachers retirement system, the school 486
employees retirement system, the state highway patrol retirement 487
system, or the city of Cincinnati retirement system. 488

(4) "State official" means the elected or appointed official, 489
or that person's designee, charged with the management of a state 490
entity. 491

(B) If it determines that doing so is in the best interest of 492
the state entity or the political subdivision, and subject to, 493
respectively, state or local appropriation to pay amounts due, a 494
state official or the legislative or other governing authority of 495
a political subdivision may enter into an energy price risk 496
management contract. Money received pursuant to such a contract 497
entered into by a state official shall be deposited to the credit 498
of the general revenue fund of this state, and, unless otherwise 499
provided by ordinance or resolution enacted or adopted by the 500
legislative authority of the political subdivision authorizing any 501
such contract, money received under the contract shall be 502
deposited to the credit of the general fund of the political 503
subdivision. 504

(C) An energy price risk management contract is not an 505
investment for the purposes of section 135.14 of the Revised Code. 506

Sec. 105.41. (A) There is hereby created the capitol square 507
review and advisory board, consisting of thirteen members as 508
follows: 509

(1) Two members of the senate, appointed by the president of 510

the senate, both of whom shall not be members of the same 511
political party; 512

(2) Two members of the house of representatives, appointed by 513
the speaker of the house of representatives, both of whom shall 514
not be members of the same political party; 515

(3) Five members appointed by the governor, with the advice 516
and consent of the senate, not more than three of whom shall be 517
members of the same political party, one of whom shall ~~represent~~ 518
~~the office of the state architect and engineer~~ be the chief of 519
staff of the governor's office, one of whom shall represent the 520
Ohio arts council, one of whom shall represent the Ohio historical 521
society, one of whom shall represent the Ohio building authority, 522
and one of whom shall represent the public at large; 523

(4) One member, who shall be a former president of the 524
senate, appointed by the current president of the senate. If the 525
current president of the senate, in the current president's 526
discretion, decides for any reason not to make the appointment or 527
if no person is eligible or available to serve, the seat shall 528
remain vacant. 529

(5) One member, who shall be a former speaker of the house of 530
representatives, appointed by the current speaker of the house of 531
representatives. If the current speaker of the house of 532
representatives, in the current speaker's discretion, decides for 533
any reason not to make the appointment or if no person is eligible 534
or available to serve, the seat shall remain vacant. 535

(6) The clerk of the senate and the clerk of the house of 536
representatives. 537

(B) Terms of office of each appointed member of the board 538
shall be for three years, except that members of the general 539
assembly appointed to the board shall be members of the board only 540
so long as they are members of the general assembly and the chief 541

of staff of the governor's office shall be a member of the board 542
only so long as the appointing governor remains in office. Each 543
member shall hold office from the date of the member's appointment 544
until the end of the term for which the member was appointed. In 545
case of a vacancy occurring on the board, the president of the 546
senate, the speaker of the house of representatives, or the 547
governor, as the case may be, shall in the same manner prescribed 548
for the regular appointment to the commission, fill the vacancy by 549
appointing a member. Any member appointed to fill a vacancy 550
occurring prior to the expiration of the term for which the 551
member's predecessor was appointed shall hold office for the 552
remainder of the term. Any appointed member shall continue in 553
office subsequent to the expiration date of the member's term 554
until the member's successor takes office, or until a period of 555
sixty days has elapsed, whichever occurs first. 556

(C) The board shall hold meetings in a manner and at times 557
prescribed by the rules adopted by the board. A majority of the 558
board constitutes a quorum, and no action shall be taken by the 559
board unless approved by at least six members or by at least seven 560
members if a person is appointed under division (A)(4) or (5) of 561
this section. At its first meeting, the board shall adopt rules 562
for the conduct of its business and the election of its officers, 563
and shall organize by selecting a chairperson and other officers 564
as it considers necessary. Board members shall serve without 565
compensation but shall be reimbursed for actual and necessary 566
expenses incurred in the performance of their duties. 567

(D) The board may do any of the following: 568

(1) Employ or hire on a consulting basis professional, 569
technical, and clerical employees as are necessary for the 570
performance of its duties; 571

(2) Hold public hearings at times and places as determined by 572
the board; 573

(3) Adopt, amend, or rescind rules necessary to accomplish 574
the duties of the board as set forth in this section; 575

(4) Sponsor, conduct, and support such social events as the 576
board may authorize and consider appropriate for the employees of 577
the board, employees and members of the general assembly, 578
employees of persons under contract with the board or otherwise 579
engaged to perform services on the premises of capitol square, or 580
other persons as the board may consider appropriate. Subject to 581
the requirements of Chapter 4303. of the Revised Code, the board 582
may provide beer, wine, and intoxicating liquor, with or without 583
charge, for those events and may use funds only from the sale of 584
goods and services fund to purchase the beer, wine, and 585
intoxicating liquor the board provides. 586

(E) The board shall do all of the following: 587

(1) Have sole authority to coordinate and approve any 588
improvements, additions, and renovations that are made to the 589
capitol square. The improvements shall include, but not be limited 590
to, the placement of monuments and sculpture on the capitol 591
grounds. 592

(2) Subject to section 3353.07 of the Revised Code, operate 593
the capitol square, and have sole authority to regulate all uses 594
of the capitol square. The uses shall include, but not be limited 595
to, the casual and recreational use of the capitol square. 596

(3) Employ, fix the compensation of, and prescribe the duties 597
of the executive director of the board and other employees the 598
board considers necessary for the performance of its powers and 599
duties; 600

(4) Establish and maintain the capitol collection trust. The 601
capitol collection trust shall consist of furniture, antiques, and 602
other items of personal property that the board shall store in 603
suitable facilities until they are ready to be ~~placed~~ displayed in 604

the capitol square. 605

(5) Perform repair, construction, contracting, purchasing, 606
maintenance, supervisory, and operating activities the board 607
determines are necessary for the operation and maintenance of the 608
capitol square; 609

(6) Maintain and preserve the capitol square, in accordance 610
with guidelines issued by the United States secretary of the 611
interior for application of the secretary's standards for 612
rehabilitation adopted in 36 C.F.R. part 67*i* 613

(7) Plan and develop a center at the capitol building for the 614
purpose of educating visitors about the history of Ohio, including 615
its political, economic, and social development and the design and 616
erection of the capitol building and its grounds; 617

(8) Purchase a warehouse in which to store items of the 618
capitol collection trust and, whenever necessary, equipment or 619
other property of the board. 620

(F)(1) The board shall lease capital facilities improved or 621
financed by the Ohio building authority pursuant to Chapter 152. 622
of the Revised Code for the use of the board, and may enter into 623
any other agreements with the authority ancillary to improvement, 624
financing, or leasing of those capital facilities, including, but 625
not limited to, any agreement required by the applicable bond 626
proceedings authorized by Chapter 152. of the Revised Code. Any 627
lease of capital facilities authorized by this section shall be 628
governed by division (D) of section 152.24 of the Revised Code. 629

(2) Fees, receipts, and revenues received by the board from 630
the state underground parking garage constitute available receipts 631
as defined in section 152.09 of the Revised Code, and may be 632
pledged to the payment of bond service charges on obligations 633
issued by the Ohio building authority pursuant to Chapter 152. of 634
the Revised Code to improve ~~or~~, finance, or purchase capital 635

facilities useful to the board. The authority may, with the 636
consent of the board, provide in the bond proceedings for a pledge 637
of all or a portion of those fees, receipts, and revenues as the 638
authority determines. The authority may provide in the bond 639
proceedings or by separate agreement with the board for the 640
transfer of those fees, receipts, and revenues to the appropriate 641
bond service fund or bond service reserve fund as required to pay 642
the bond service charges when due, and any such provision for the 643
transfer of those fees, receipts, and revenues shall be 644
controlling notwithstanding any other provision of law pertaining 645
to those fees, receipts, and revenues. 646

(3) All moneys received by the treasurer of state on account 647
of the board and required by the applicable bond proceedings or by 648
separate agreement with the board to be deposited, transferred, or 649
credited to the bond service fund or bond service reserve fund 650
established by the bond proceedings shall be transferred by the 651
treasurer of state to such fund, whether or not it is in the 652
custody of the treasurer of state, without necessity for further 653
appropriation, upon receipt of notice from the Ohio building 654
authority as prescribed in the bond proceedings. 655

(G) All fees, receipts, and revenues received by the board 656
from the state underground parking garage shall be deposited into 657
the state treasury to the credit of the underground parking garage 658
operating fund, which is hereby created, to be used for the 659
purposes specified in division (F) of this section and for the 660
operation and maintenance of the garage. All investment earnings 661
of the fund shall be credited to the fund. 662

(H) All donations received by the board shall be deposited 663
into the state treasury to the credit of the capitol square 664
renovation gift fund, which is hereby created. The fund shall be 665
used by the board as follows: 666

(1) To provide part or all of the funding related to 667

construction, goods, or services for the renovation of the capitol square; 668
669

(2) To purchase art, antiques, and artifacts for display at the capitol square; 670
671

(3) To award contracts or make grants to organizations for educating the public regarding the historical background and governmental functions of the capitol square. Chapters 125., 127., and 153. and section 3517.13 of the Revised Code do not apply to purchases made exclusively from the fund, notwithstanding anything to the contrary in those chapters or that section. All investment earnings of the fund shall be credited to the fund. 672
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(I) Except as provided in divisions (G), (H), and (J) of this section, all fees, receipts, and revenues received by the board shall be deposited into the state treasury to the credit of the sale of goods and services fund, which is hereby created. Money credited to the fund shall be used solely to pay costs of the board other than those specified in divisions (F) and (G) of this section. All investment earnings of the fund shall be credited to the fund. 679
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(J) There is hereby created in the state treasury the capitol square improvement fund, to be used by the board to pay construction, renovation, and other costs related to the capitol square for which money is not otherwise available to the board. Whenever the board determines that there is a need to incur those costs and that the unencumbered, unobligated balance to the credit of the underground parking garage operating fund exceeds the amount needed for the purposes specified in division (F) of this section and for the operation and maintenance of the garage, the board may request the director of budget and management to transfer from the underground parking garage operating fund to the capitol square improvement fund the amount needed to pay such construction, renovation, or other costs. The director then shall 687
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transfer the amount needed from the excess balance of the 700
underground parking garage operating fund. 701

(K) As the operation and maintenance of the capitol square 702
constitute essential government functions of a public purpose, the 703
board shall not be required to pay taxes or assessments upon the 704
square, upon any property acquired or used by the board under this 705
section, or upon any income generated by the operation of the 706
square. 707

(L) As used in this section, "capitol square" means the 708
capitol building, senate building, capitol atrium, capitol 709
grounds, ~~and~~ the state underground parking garage, and the 710
warehouse owned by the board. 711

(M) The capitol annex shall be known as the senate building. 712

Sec. 107.19. The governor shall have no power to issue any 713
executive order that has previously been issued and that the 714
federal trade commission, office of policy planning, bureau of 715
economics, and bureau of competition has opined is 716
anti-competitive and is in violation of anti-trust laws. Any such 717
executive order shall be considered invalid and unenforceable. 718

Sec. 113.061. The treasurer of state shall adopt rules in 719
accordance with Chapter 119. of the Revised Code governing the 720
remittance of taxes by electronic funds transfer as required under 721
sections 5727.311, 5727.83, 5733.022, 5735.062, 5739.032, 722
~~5739.122, 5741.121,~~ 5745.04, and 5747.072 of the Revised Code and 723
any other section of the Revised Code under which a person is 724
required to remit taxes by electronic funds transfer. The rules 725
shall govern the modes of electronic funds transfer acceptable to 726
the treasurer of state and under what circumstances each mode is 727
acceptable, the content and format of electronic funds transfers, 728
the coordination of payment by electronic funds transfer and 729

filing of associated tax reports and returns, the remittance of 730
taxes by means other than electronic funds transfer by persons 731
otherwise required to do so but relieved of the requirement by the 732
treasurer of state, and any other matter that in the opinion of 733
the treasurer of state facilitates payment by electronic funds 734
transfer in a manner consistent with those sections. 735

Upon failure by a person, if so required, to remit taxes by 736
electronic funds transfer in the manner prescribed under section 737
5727.83, 5733.022, 5735.062, 5739.032, ~~5739.122, 5741.121,~~ 738
5745.04, or 5747.072 of the Revised Code and rules adopted under 739
this section, the treasurer of state shall notify the tax 740
commissioner of such failure if the treasurer of state determines 741
that such failure was not due to reasonable cause or was due to 742
willful neglect, and shall provide the tax commissioner with any 743
information used in making that determination. The tax 744
commissioner may assess an additional charge as specified in the 745
respective section of the Revised Code governing the requirement 746
to remit taxes by electronic funds transfer. 747

The treasurer of state may implement means of acknowledging, 748
upon the request of a taxpayer, receipt of tax remittances made by 749
electronic funds transfer, and may adopt rules governing 750
acknowledgments. The cost of acknowledging receipt of electronic 751
remittances shall be paid by the person requesting acknowledgment. 752

The treasurer of state, not the tax commissioner, is 753
responsible for resolving any problems involving electronic funds 754
transfer transmissions. 755

Sec. 113.40. (A) As used in this section: 756

(1) "Financial transaction device" includes a credit card, 757
debit card, charge card, prepaid or stored value card, or 758
automated clearinghouse network credit, debit, or e-check entry 759
that includes, but is not limited to, accounts receivable and 760

internet-initiated, point of purchase, and telephone-initiated 761
applications, or any other device or method for making an 762
electronic payment or transfer of funds. 763

(2) "State expenses" includes fees, costs, taxes, 764
assessments, fines, penalties, payments, or any other expense a 765
person owes to a state office under the authority of a state 766
elected official or to a state entity. 767

(3) "State elected official" means the governor, lieutenant 768
governor, attorney general, secretary of state, treasurer of 769
state, and auditor of state. 770

(4) "State entity" includes any state department, agency, 771
board, or commission that deposits funds into the state treasury. 772

(B) Notwithstanding any other section of the Revised Code and 773
subject to division (D) of this section, the board of deposit may 774
adopt a resolution authorizing the acceptance of payments by 775
financial transaction device to pay for state expenses. The 776
resolution shall include all of the following: 777

(1) A designation of those state elected officials and state 778
entities authorized to accept payments by financial transaction 779
device; 780

(2) A list of state expenses that may be paid by the use of a 781
financial transaction device; 782

(3) Specific identification of financial transaction devices 783
that a state elected official or state entity may authorize as 784
acceptable means of payment for state expenses. Division (B)(3) of 785
this section does not require that the same financial transaction 786
devices be accepted for the payment of different types of state 787
expenses. 788

(4) The amount, if any, authorized as a surcharge or 789
convenience fee under division (E) of this section for persons 790

using a financial transaction device. Division (B)(4) of this 791
section does not require that the same surcharges or convenience 792
fees be applied to the payment of different types of state 793
expenses. 794

(5) A specific requirement, as provided in division (G) of 795
this section, for the payment of a penalty if a payment made by 796
means of a financial transaction device is returned or dishonored 797
for any reason. 798

The board of deposit's resolution also shall designate the 799
treasurer of state as the administrative agent to solicit 800
proposals, within guidelines established by the board of deposit 801
in the resolution and in compliance with the procedures provided 802
in division (C) of this section, from financial institutions, 803
issuers of financial transaction devices, and processors of 804
financial transaction devices; to make recommendations about those 805
proposals to the state elected officials; and to assist state 806
offices in implementing the state's financial transaction device 807
acceptance and processing program. 808

(C) The administrative agent shall follow the procedures 809
provided in this division whenever it plans to contract with 810
financial institutions, issuers of financial transaction devices, 811
or processors of financial transaction devices for the purposes of 812
this section. The administrative agent shall request proposals 813
from at least three financial institutions, issuers of financial 814
transaction devices, or processors of financial transaction 815
devices, as appropriate in accordance with the resolution adopted 816
under division (B) of this section. Prior to sending any financial 817
institution, issuer, or processor a copy of any such request, the 818
administrative agent shall advertise its intent to request 819
proposals in a newspaper of general circulation in the state once 820
a week for two consecutive weeks. The notice shall state that the 821
administrative agent intends to request proposals; specify the 822

purpose of the request; indicate the date, which shall be at least 823
ten days after the second publication, on which the request for 824
proposals will be mailed to financial institutions, issuers, or 825
processors; and require that any financial institution, issuer, or 826
processor, whichever is appropriate, interested in receiving the 827
request for proposals submit written notice of this interest to 828
the administrative agent not later than noon of the day on which 829
the request for proposals will be mailed. 830

Upon receiving the proposals, the administrative agent shall 831
review them and make a recommendation to the board of deposit 832
regarding which proposals to accept. The board of deposit shall 833
consider the agent's recommendation and review all proposals 834
submitted, and then may choose to contract with any or all of the 835
entities submitting proposals, as appropriate. The board of 836
deposit shall provide any financial institution, issuer, or 837
processor that submitted a proposal, but with which the board does 838
not enter into a contract, notice that its proposal is rejected. 839

(D) The board of deposit shall send a copy of the resolution 840
adopted under division (B) of this section to each state elected 841
official and state entity authorized to accept payments for state 842
expenses by financial transaction device. After receiving the 843
resolution and before accepting such payments by financial 844
transaction device, such a state elected official or state entity 845
shall provide written notification to the administrative agent of 846
the official's or entity's intent to implement the resolution 847
within the official's or entity's office. Each state office or 848
entity subject to the board's resolution adopted under division 849
(B) of this section shall use only the financial institutions, 850
issuers of financial transaction devices, and processors of 851
financial transaction devices with which the board of deposit 852
contracts, and each such office or entity is subject to the terms 853
of those contracts. 854

If a state entity under the authority of a state elected official is directly responsible for collecting one or more state expenses and the state elected official determines not to accept payments by financial transaction device for one or more of those expenses, the office is not required to accept payments by financial transaction device for those expenses, notwithstanding the adoption of a resolution by the board of deposit under division (B) of this section.

Any state entity that prior to March 18, 1999, accepted financial transaction devices may continue to accept such devices until June 30, 2000, without being subject to any resolution adopted by the board of deposit under division (B) of this section, or any other oversight by the board of the entity's financial transaction device program. Any such entity may use surcharges or convenience fees in any manner the state elected official or other official in charge of the entity determines to be appropriate, and, if the administrative agent consents, may appoint the administrative agent to be the entity's administrative agent for purposes of accepting financial transaction devices. In order to be exempt from the resolution of the board of deposit under division (B) of this section, a state entity shall notify the board in writing within thirty days after March 18, 1999, that it accepted financial transaction devices prior to March 18, 1999. Each such notification shall explain how processing costs associated with financial transaction devices are being paid and shall indicate whether surcharge or convenience fees are being passed on to consumers.

(E) The board of deposit may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed under a contract, between the financial

institution, issuer, or processor and the administrative agent, 887
governing the use and acceptance of the financial transaction 888
device. 889

The establishment of a surcharge or convenience fee shall 890
follow the guidelines of the financial institution, issuer of 891
financial transaction devices, or processor of financial 892
transaction devices with which the board of deposit contracts. 893

If a surcharge or convenience fee is imposed, every state 894
entity accepting payment by a financial transaction device, 895
regardless of whether that entity is subject to a resolution 896
adopted by the board of deposit, shall clearly post a notice in 897
the entity's office, and shall notify each person making a payment 898
by such a device, about the surcharge or fee. Notice to each 899
person making a payment shall be provided regardless of the medium 900
used to make the payment and in a manner appropriate to that 901
medium. Each notice shall include all of the following: 902

(1) A statement that there is a surcharge or convenience fee 903
for using a financial transaction device; 904

(2) The total amount of the charge or fee expressed in 905
dollars and cents for each transaction, or the rate of the charge 906
or fee expressed as a percentage of the total amount of the 907
transaction, whichever is applicable; 908

(3) A clear statement that the surcharge or convenience fee 909
is nonrefundable. 910

(F) If a person elects to make a payment by a financial 911
transaction device and a surcharge or convenience fee is imposed, 912
the payment of the surcharge or convenience fee is not refundable. 913

(G) If a person makes payment by a financial transaction 914
device and the payment is returned or dishonored for any reason, 915
the person is liable to the state for the state expense and any 916
reimbursable costs for collection, including banking charges, 917

legal fees, or other expenses incurred by the state in collecting 918
the returned or dishonored payment. The remedies and procedures 919
provided in this section are in addition to any other available 920
civil or criminal remedies provided by law. 921

(H) No person making any payment by a financial transaction 922
device to a state office shall be relieved from liability for the 923
underlying obligation, except to the extent that the state 924
realizes final payment of the underlying obligation in cash or its 925
equivalent. If final payment is not made by the financial 926
transaction device issuer or other guarantor of payment in the 927
transaction, the underlying obligation survives and the state 928
shall retain all remedies for enforcement that would have applied 929
if the transaction had not occurred. 930

(I) A state entity or employee who accepts a financial 931
transaction device payment in accordance with this section and any 932
applicable state or local policies or rules is immune from 933
personal liability for the final collection of such payments as 934
specified in section 9.87 of the Revised Code. 935

(J) The administrative agent, in cooperation with the office 936
of budget and management, may adopt, amend, and rescind rules in 937
accordance with section 111.15 of the Revised Code to implement 938
this section. 939

Sec. 117.13. (A) The costs of audits of state agencies shall 940
be recovered by the auditor of state in the following manner: 941

(1) The costs of all audits of state agencies shall be paid 942
to the auditor of state on statements rendered by the auditor of 943
state. Money so received by the auditor of state shall be paid 944
into the state treasury to the credit of the public audit expense 945
fund--intrastate, which is hereby created, and shall be used to 946
pay costs related to such audits. The costs of all annual and 947
special audits of a state agency shall be charged to the state 948

agency being audited. The costs of all biennial audits of a state 949
agency shall be paid from money appropriated to the department of 950
administrative services for that purpose. The costs of any 951
assistant auditor, employee, or expert employed pursuant to 952
section 117.09 of the Revised Code called upon to testify in any 953
legal proceedings in regard to any audit, or called upon to review 954
or discuss any matter related to any audit, may be charged to the 955
state agency to which the audit relates. 956

(2) The auditor of state shall establish by rule rates to be 957
charged to state agencies or to the department of administrative 958
services for recovering the costs of audits of state agencies. 959

(B) As used in this division, "government auditing standards" 960
means the government auditing standards published by the 961
comptroller general of the United States general accounting 962
office. 963

(1) Except as provided in divisions (B)(2) and (3) of this 964
section, any costs of an audit of a private institution, 965
association, board, or corporation receiving public money for its 966
use shall be charged to the public office providing the public 967
money in the same manner as costs of an audit of the public 968
office. 969

(2) If an audit of a private child placing agency or private 970
noncustodial agency receiving public money from a public children 971
services agency for providing child welfare or child protection 972
services sets forth that money has been illegally expended, 973
converted, misappropriated, or is unaccounted for, the costs of 974
the audit shall be charged to the agency being audited in the same 975
manner as costs of an audit of a public office, unless the 976
findings are inconsequential, as defined by government auditing 977
standards. 978

(3) If such an audit does not set forth that money has been 979

illegally expended, converted, misappropriated, or is unaccounted 980
for or sets forth findings that are inconsequential, as defined by 981
government auditing standards, the costs of the audit shall be 982
charged as follows: 983

(a) One-third of the costs to the agency being audited; 984

(b) One-third of the costs to the public children services 985
agency that provided the public money to the agency being audited; 986

(c) One-third of the costs to the department of job and 987
family services. 988

(C) The costs of audits of local public offices shall be 989
recovered by the auditor of state in the following manner: 990

(1) The total amount of compensation paid assistant auditors 991
of state, their expenses, the cost of employees assigned to assist 992
the assistant auditors of state, the cost of experts employed 993
pursuant to section 117.09 of the Revised Code, and the cost of 994
typing, reviewing, and copying reports shall be borne by the 995
public office to which such assistant auditors of state are so 996
assigned, except that annual vacation and sick leave of assistant 997
auditors of state, employees, and typists shall be financed from 998
the general revenue fund. The necessary traveling and hotel 999
expenses of the deputy inspectors and supervisors of public 1000
offices shall be paid from the state treasury. Assistant auditors 1001
of state shall be compensated by the taxing district or other 1002
public office audited for activities undertaken pursuant to 1003
division (B) of section 117.18 and section 117.24 of the Revised 1004
Code. The costs of any assistant auditor, employee, or expert 1005
employed pursuant to section 117.09 of the Revised Code called 1006
upon to testify in any legal proceedings in regard to any audit, 1007
or called upon to review or discuss any matter related to any 1008
audit, may be charged to the public office to which the audit 1009
relates. 1010

(2) The auditor of state shall certify the amount of such 1011
compensation, expenses, cost of experts, reviewing, copying, and 1012
typing to the fiscal officer of the local public office audited. 1013
The fiscal officer of the local public office shall forthwith draw 1014
a warrant upon the general fund or other appropriate funds of the 1015
local public office to the order of the auditor of state; 1016
provided, that the auditor of state is authorized to negotiate 1017
with any local public office and, upon agreement between the 1018
auditor of state and the local public office, may adopt a schedule 1019
for payment of the amount due under this section. Money so 1020
received by the auditor of state shall be paid into the state 1021
treasury to the credit of the public audit expense fund--local 1022
government, which is hereby created, and shall be used to pay the 1023
compensation, expense, cost of experts and employees, reviewing, 1024
copying, and typing of reports. 1025

(3) At the conclusion of each audit, or analysis and report 1026
made pursuant to section 117.24 of the Revised Code, the auditor 1027
of state shall furnish the fiscal officer of the local public 1028
office audited a statement showing the total cost of the audit, or 1029
of the audit and the analysis and report, and the percentage of 1030
the total cost chargeable to each fund audited. The fiscal officer 1031
may distribute such total cost to each fund audited in accordance 1032
with its percentage of the total cost. 1033

(4) The auditor of state shall provide each local public 1034
office a statement or certification of the amount due from the 1035
public office for services performed by the auditor of state under 1036
this or any other section of the Revised Code, as well as the date 1037
upon which payment is due to the auditor of state. Any local 1038
public office that does not pay the amount due to the auditor of 1039
state by that date may be assessed by the auditor of state for 1040
interest from the date upon which the payment is due at the rate 1041
per annum prescribed by section 5703.47 of the Revised Code. All 1042

interest charges assessed by the auditor of state may be collected 1043
in the same manner as audit costs pursuant to division (D) of this 1044
section. 1045

(D) If the auditor of state fails to receive payment for any 1046
amount due, including, but not limited to, fines, fees, and costs, 1047
from a public office for services performed under this or any 1048
other section of the Revised Code, the auditor of state may seek 1049
payment through the office of budget and management. (Amounts due 1050
include any amount due to an independent public accountant with 1051
whom the auditor has contracted to perform services, all costs and 1052
fees associated with participation in the uniform accounting 1053
network, and all costs associated with the auditor's provision of 1054
local government services.) Upon certification by the auditor of 1055
state to the director of budget and management of any such amount 1056
due, the director shall withhold from the public office any amount 1057
available, up to and including the amount certified as due, from 1058
any funds under the director's control that belong to or are 1059
lawfully payable or due to the public office. The director shall 1060
promptly pay the amount withheld to the auditor of state. If the 1061
director determines that no funds due and payable to the public 1062
office are available or that insufficient amounts of such funds 1063
are available to cover the amount due, the director shall withhold 1064
and pay to the auditor of state the amounts available and, in the 1065
case of a local public office, certify the remaining amount to the 1066
county auditor of the county in which the local public office is 1067
located. The county auditor shall withhold from the local public 1068
office any amount available, up to and including the amount 1069
certified as due, from any funds under the county auditor's 1070
control and belonging to or lawfully payable or due to the local 1071
public office. The county auditor shall promptly pay any such 1072
amount withheld to the auditor of state. 1073

Sec. 117.38. Each public office, other than a state agency, 1074

shall file a financial report for each fiscal year. The auditor of state may prescribe forms by rule or may issue guidelines, or both, for such reports. If the auditor of state has not prescribed a rule regarding the form for the report, the public office shall submit its report on the form utilized by the public office.

The report shall be certified by the proper officer or board and filed with the auditor of state within sixty days after the close of the fiscal year, except that public offices reporting pursuant to generally accepted accounting principles shall file their reports within one hundred fifty days after the close of the fiscal year. The auditor of state may extend the deadline for filing a financial report and establish terms and conditions for any such extension. At the time the report is filed with the auditor of state, the chief fiscal officer, except as otherwise provided in section 319.11 of the Revised Code, shall publish notice in a newspaper published in the political subdivision or taxing district, and if there is no such newspaper, then in a newspaper of general circulation in the political subdivision or taxing district. The notice shall state that the financial report has been completed by the public office and is available for public inspection at the office of the chief fiscal officer.

The report shall contain the following:

(A) Amount of collections and receipts, and accounts due from each source;

(B) Amount of expenditures for each purpose;

(C) Income of each public service industry owned or operated by a municipal corporation, and the cost of such ownership or operation;

(D) Amount of public debt of each taxing district, the purpose for which each item of such debt was created, and the provision made for the payment thereof. The substance of the

report shall be published at the expense of the state in an annual 1106
volume of statistics, which shall be submitted to the governor. 1107
The auditor of state shall transmit the report to the general 1108
assembly at its next session. 1109

Any public office, other than a state agency, that does not 1110
file its financial report at the time required by this section 1111
shall pay to the auditor of state twenty-five dollars for each day 1112
the report remains unfiled after the filing date; provided, that 1113
the penalty payments shall not exceed the sum of seven hundred 1114
fifty dollars. The auditor of state may waive all or any part of 1115
the penalty assessed under this section upon the filing of the 1116
past due financial report. All sums collected from such penalties 1117
shall be placed in the public audit expense fund--local 1118
government. ~~The~~ If the auditor of state ~~may deduct~~ fails to 1119
receive payment for penalties not paid within one year from the 1120
required filing date ~~from any funds under the auditor of state's~~ 1121
~~control belonging to the public office. If funds are withheld from~~ 1122
~~a county because of the failure of a taxing district located in~~ 1123
~~whole or in part within the county to file, the county may deduct~~ 1124
~~the amount of penalty from any revenues due the delinquent~~ 1125
~~district, the auditor may recover the penalties through the~~ 1126
process in division (D) of section 117.13 of the Revised Code. 1127

Every county agency, board, or commission shall provide to 1128
the county auditor, not later than the first day of March each 1129
year unless a later date is authorized by the county auditor, all 1130
information determined by the county auditor to be necessary for 1131
the preparation of the report required by this section. 1132

Sec. 120.08. There is hereby created in the state treasury 1133
the indigent defense support fund, consisting of money paid into 1134
the fund pursuant to section 4511.19 of the Revised Code and 1135
pursuant to section 2949.094 of the Revised Code out of the 1136

additional court costs imposed under that section. The state 1137
public defender shall use the money in the fund for the purpose of 1138
reimbursing county governments for expenses incurred pursuant to 1139
sections 120.18, 120.28, and 120.33 of the Revised Code. 1140
Disbursements from the fund to county governments shall be made in 1141
each state fiscal year and shall be allocated proportionately so 1142
that each county receives an equal percentage of its total cost 1143
for operating its county public defender system, its joint county 1144
public defender system, or its county appointed counsel system. 1145

1146
Sec. 121.31. There is hereby created the commission on 1147
Hispanic-Latino affairs consisting of eleven voting members 1148
appointed by the governor with the advice and consent of the 1149
senate and two ex officio, nonvoting members who are members of 1150
the general assembly. The speaker of the house of representatives 1151
shall recommend to the governor two persons for appointment to the 1152
commission, the president of the senate shall recommend to the 1153
governor two such persons, and the minority leaders of the house 1154
and senate shall each recommend to the governor one such person. 1155
The governor shall make initial appointments to the commission. Of 1156
the initial appointments made to the commission, three shall be 1157
for a term ending October 7, 1978, four shall be for a term ending 1158
October 7, 1979, and four shall be for a term ending October 7, 1159
1980. Thereafter One ex officio member of the commission shall be 1160
a member of the house of representatives appointed by the speaker 1161
of the house of representatives and one ex officio member of the 1162
commission shall be a member of the senate appointed by the 1163
president of the senate. When making their initial appointments, 1164
the speaker shall appoint a member of the house of representatives 1165
who is affiliated with the minority political party in the house 1166
of representatives and the president shall appoint a member of the 1167

senate who is affiliated with the majority political party in the 1168
senate; in making subsequent appointments the speaker and the 1169
president each shall alternate the political party affiliation of 1170
the members they appoint to the commission. The speaker and 1171
president shall make their initial appointments so that the 1172
initial ex officio members begin their terms October 7, 2008. 1173

After the initial appointments by the governor, terms of 1174
office shall be for three years, ~~each~~ except that members of the 1175
general assembly appointed to the commission shall be members of 1176
the commission only so long as they are members of the general 1177
assembly. Each term ending shall end on the same day of the same 1178
month of the year as did the term which it succeeds. Each member 1179
shall hold office from the date of appointment until the end of 1180
the term for which the member was appointed. Vacancies shall be 1181
filled in the same manner as the original appointment. Any member 1182
appointed to fill a vacancy occurring prior to the expiration of 1183
the term for which the member's predecessor was appointed shall 1184
hold office for the remainder of such term. Any member shall 1185
continue in office subsequent to the expiration date of the 1186
member's term until the member's successor takes office, or until 1187
a period of sixty days has elapsed, whichever occurs first. At the 1188
first organizational meeting of the commission, the original 1189
eleven members shall draw lots to determine the length of the term 1190
each member shall serve. 1191

All voting members of the commission shall speak Spanish, 1192
shall be of Spanish-speaking origin, and shall be American 1193
citizens or lawful, permanent, resident aliens. ~~Members~~ Voting 1194
members shall be from urban, suburban, and rural geographical 1195
areas representative of Spanish-speaking people with a numerical 1196
and geographical balance of the Spanish-speaking population 1197
throughout the state. 1198

The commission shall meet not less than six times per 1199

calendar year. The commission shall elect a chairperson, 1200
vice-chairperson, and other officers from its voting members as it 1201
considers advisable. Six voting members constitute a quorum. The 1202
commission shall adopt rules governing its procedures. No action 1203
of the commission is valid without the concurrence of six members. 1204

Each voting member shall be compensated for work as a member 1205
for each day that the member is actually engaged in the 1206
performance of work as a member. No voting member shall be 1207
compensated for more than one day each month. In addition, each 1208
voting member shall be reimbursed for all actual and necessary 1209
expenses incurred in the performance of official business. 1210

Sec. 122.171. (A) As used in this section: 1211

(1) "Capital investment project" means a plan of investment 1212
at a project site for the acquisition, construction, renovation, 1213
or repair of buildings, machinery, or equipment, or for 1214
capitalized costs of basic research and new product development 1215
determined in accordance with generally accepted accounting 1216
principles, but does not include any of the following: 1217

(a) Payments made for the acquisition of personal property 1218
through operating leases; 1219

(b) Project costs paid before January 1, 2002; 1220

(c) Payments made to a related member as defined in section 1221
5733.042 of the Revised Code or to an elected consolidated 1222
taxpayer or a combined taxpayer as defined in section 5751.01 of 1223
the Revised Code. 1224

(2) "Eligible business" means a business with Ohio operations 1225
satisfying all of the following: 1226

(a) Employed an average of at least one thousand employees in 1227
full-time employment positions at a project site during each of 1228
the twelve months preceding the application for a tax credit under 1229

this section; and 1230

(b) On or after January 1, 2002, has made or has caused to be 1231
made payments for the capital investment project, including 1232
payments made by an unrelated third party entity as a result of a 1233
lease of not less than twenty years in term, of either of the 1234
following: 1235

(i) At least two hundred million dollars in the aggregate at 1236
the project site during a period of three consecutive calendar 1237
years, including the calendar year that includes a day of the 1238
taxpayer's taxable year or tax period with respect to which the 1239
credit is granted; 1240

(ii) If the average wage of all full-time employment 1241
positions at the project site is greater than four hundred per 1242
cent of the federal minimum wage, at least one hundred million 1243
dollars in the aggregate at the project site during a period of 1244
three consecutive calendar years including the calendar year that 1245
includes a day of the taxpayer's taxable year or tax period with 1246
respect to which the credit is granted. 1247

(c) Is engaged at the project site primarily as a 1248
manufacturer or is providing significant corporate administrative 1249
functions. If the investment under division (A)(2)(b) of this 1250
section was made by a third party entity as a result of a lease of 1251
not less than twenty years in term, the project must include 1252
headquarters operations that are part of a mixed use development 1253
that includes at least two of the following: office, hotel, 1254
research and development, or retail facilities. 1255

(d) Has had a capital investment project reviewed and 1256
approved by the tax credit authority as provided in divisions (C), 1257
(D), and (E) of this section. 1258

(3) "Full-time employment position" means a position of 1259
employment for consideration for at least an average of 1260

thirty-five hours a week that has been filled for at least one 1261
hundred eighty days immediately preceding the filing of an 1262
application under this section and for at least one hundred eighty 1263
days during each taxable year or each calendar year that includes 1264
a tax period with respect to which the credit is granted, or is 1265
employed in such position for consideration for such time, but is 1266
on active duty reserve or Ohio national guard service. 1267

(4) "Manufacturer" has the same meaning as in section 1268
5739.011 of the Revised Code. 1269

(5) "Project site" means an integrated complex of facilities 1270
in this state, as specified by the tax credit authority under this 1271
section, within a fifteen-mile radius where a taxpayer is 1272
primarily operating as an eligible business. 1273

(6) "Applicable corporation" means a corporation satisfying 1274
all of the following: 1275

(a)(i) For the entire taxable year immediately preceding the 1276
tax year, the corporation develops software applications primarily 1277
to provide telecommunication billing and information services 1278
through outsourcing or licensing to domestic or international 1279
customers. 1280

(ii) Sales and licensing of software generated at least six 1281
hundred million dollars in revenue during the taxable year 1282
immediately preceding the tax year the corporation is first 1283
entitled to claim the credit provided under division (B) of this 1284
section. 1285

(b) For the entire taxable year immediately preceding the tax 1286
year, the corporation or one or more of its related members 1287
provides customer or employee care and technical support for 1288
clients through one or more contact centers within this state, and 1289
the corporation and its related members together have a daily 1290
average, based on a three-hundred-sixty-five-day year, of at least 1291

five hundred thousand successful customer contacts through one or 1292
more of their contact centers, wherever located. 1293

(c) The corporation is eligible for the credit under division 1294
(B) of this section for the tax year. 1295

(7) "Related member" has the same meaning as in section 1296
5733.042 of the Revised Code as that section existed on the 1297
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 1298
general assembly, September 29, 1997. 1299

(8) "Successful customer contact" means a contact with an end 1300
user via telephone, including interactive voice recognition or 1301
similar means, where the contact culminates in a conversation or 1302
connection other than a busy signal or equipment busy. 1303

(9) "Telecommunications" means all forms of 1304
telecommunications service as defined in section 5739.01 of the 1305
Revised Code, and includes services in wireless, wireline, cable, 1306
broadband, internet protocol, and satellite. 1307

(10)(a) "Applicable difference" means the difference between 1308
the tax for the tax year under Chapter 5733. of the Revised Code 1309
applying the law in effect for that tax year, and the tax for that 1310
tax year if section 5733.042 of the Revised Code applied as that 1311
section existed on the effective date of its amendment by Am. Sub. 1312
H.B. 215 of the 122nd general assembly, September 29, 1997, 1313
subject to division (A)(10)(b) of this section. 1314

(b) If the tax rate set forth in division (B) of section 1315
5733.06 of the Revised Code for the tax year is less than eight 1316
and one-half per cent, the tax calculated under division 1317
(A)(10)(a) of this section shall be computed by substituting a tax 1318
rate of eight and one-half per cent for the rate set forth in 1319
division (B) of section 5733.06 of the Revised Code for the tax 1320
year. 1321

(c) If the resulting difference is negative, the applicable 1322

tax difference for the tax year shall be zero. 1323

(B) The tax credit authority created under section 122.17 of 1324
the Revised Code may grant tax credits under this section for the 1325
purpose of fostering job retention in this state. Upon application 1326
by an eligible business and upon consideration of the 1327
recommendation of the director of budget and management, tax 1328
commissioner, and director of development under division (C) of 1329
this section, the tax credit authority may grant to an eligible 1330
business a nonrefundable credit against the tax imposed by section 1331
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 1332
taxable years and against the tax levied by Chapter 5751. of the 1333
Revised Code for a period of up to fifteen calendar years 1334
provided, however, that if the project site is leased, the term of 1335
the tax credit cannot exceed the lesser of fifteen years or 1336
one-half the term of the lease, including any permitted renewal 1337
periods. The credit shall be in an amount not exceeding 1338
seventy-five per cent of the Ohio income tax withheld from the 1339
employees of the eligible business occupying full-time employment 1340
positions at the project site during the calendar year that 1341
includes the last day of such business' taxable year or tax period 1342
with respect to which the credit is granted. The amount of the 1343
credit shall not be based on the Ohio income tax withheld from 1344
full-time employees for a calendar year prior to the calendar year 1345
in which the minimum investment requirement referred to in 1346
division (A)(2)(b) of this section is completed. The credit shall 1347
be claimed only for the taxable years or tax periods specified in 1348
the eligible business' agreement with the tax credit authority 1349
under division (E) of this section, but in no event shall the 1350
credit be claimed for a taxable year or tax period terminating 1351
before the date specified in the agreement. Any credit granted 1352
under this section against the tax imposed by section 5733.06 or 1353
5747.02 of the Revised Code, to the extent not fully utilized 1354
against such tax for taxable years ending prior to 2008, shall 1355

automatically be converted without any action taken by the tax 1356
credit authority to a credit against the tax levied under Chapter 1357
5751. of the Revised Code for tax periods beginning on or after 1358
July 1, 2008, provided that the person to whom the credit was 1359
granted is subject to such tax. The converted credit shall apply 1360
to those calendar years in which the remaining taxable years 1361
specified in the agreement end. 1362

The credit computed under this division is in addition to any 1363
credit allowed under division (M) of this section, which the tax 1364
credit authority may also include in the agreement. 1365

Any unused portion of a tax credit may be carried forward for 1366
not more than three additional years after the year for which the 1367
credit is granted. 1368

(C) A taxpayer that proposes a capital investment project to 1369
retain jobs in this state may apply to the tax credit authority to 1370
enter into an agreement for a tax credit under this section. The 1371
director of development shall prescribe the form of the 1372
application. After receipt of an application, the authority shall 1373
forward copies of the application to the director of budget and 1374
management, the tax commissioner, and the director of development, 1375
each of whom shall review the application to determine the 1376
economic impact the proposed project would have on the state and 1377
the affected political subdivisions and shall submit a summary of 1378
their determinations and recommendations to the authority. 1379

(D) Upon review of the determinations and recommendations 1380
described in division (C) of this section, the tax credit 1381
authority may enter into an agreement with the taxpayer for a 1382
credit under this section if the authority determines all of the 1383
following: 1384

(1) The taxpayer's capital investment project will result in 1385
the retention of full-time employment positions in this state. 1386

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project. 1387
1388

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least ~~twice~~ the greater of 1389
1390
(a) the term of the credit plus three years, or (b) seven years. 1391

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project. 1392
1393

(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project. 1394
1395
1396

(E) An agreement under this section shall include all of the following: 1397
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(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site. 1399
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1402

(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section. 1403
1404
1405

(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed. 1406
1407

(4) A requirement that the taxpayer maintain operations at the project site for at least ~~twice the number of years as~~ greater of (a) the term of the credit plus three years, or (b) seven years. 1408
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(5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site 1412
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1416

during the entire term of any agreement, subject to division 1417
(E)(7) of this section. 1418

(6) A requirement that the taxpayer annually report to the 1419
director of development the number of full-time employment 1420
positions subject to the credit, the amount of tax withheld from 1421
employees in those positions, the amount of the payments made for 1422
the capital investment project, and any other information the 1423
director needs to perform the director's duties under this 1424
section. 1425

(7) A requirement that the director of development annually 1426
review the annual reports of the taxpayer to verify the 1427
information reported under division (E)(6) of this section and 1428
compliance with the agreement. Upon verification, the director 1429
shall issue a certificate to the taxpayer stating that the 1430
information has been verified and identifying the amount of the 1431
credit for the taxable year. Unless otherwise specified by the tax 1432
credit authority in a resolution and included as part of the 1433
agreement, the director shall not issue a certificate for any year 1434
in which the total number of filled full-time employment positions 1435
for each day of the calendar year divided by three hundred 1436
sixty-five is less than ninety per cent of the full-time 1437
employment positions specified in division (E)(5) of this section. 1438
In determining the number of full-time employment positions, no 1439
position shall be counted that is filled by an employee who is 1440
included in the calculation of a tax credit under section 122.17 1441
of the Revised Code. 1442

(8)(a) A provision requiring that the taxpayer, except as 1443
otherwise provided in division (E)(8)(b) of this section, shall 1444
not relocate employment positions from elsewhere in this state to 1445
the project site that is the subject of the agreement for the 1446
lesser of five years from the date the agreement is entered into 1447
or the number of years the taxpayer is entitled to claim the 1448

credit. 1449

(b) The taxpayer may relocate employment positions from 1450
elsewhere in this state to the project site that is the subject of 1451
the agreement if the director of development determines both of 1452
the following: 1453

(i) That the site from which the employment positions would 1454
be relocated is inadequate to meet market and industry conditions, 1455
expansion plans, consolidation plans, or other business 1456
considerations affecting the taxpayer; 1457

(ii) That the legislative authority of the county, township, 1458
or municipal corporation from which the employment positions would 1459
be relocated has been notified of the relocation. 1460

For purposes of this section, the movement of an employment 1461
position from one political subdivision to another political 1462
subdivision shall be considered a relocation of an employment 1463
position unless the movement is confined to the project site. The 1464
transfer of an individual employee from one political subdivision 1465
to another political subdivision shall not be considered a 1466
relocation of an employment position as long as the individual's 1467
employment position in the first political subdivision is 1468
refilled. 1469

(9) A waiver by the taxpayer of any limitations periods 1470
relating to assessments or adjustments resulting from the 1471
taxpayer's failure to comply with the agreement. 1472

(F) If a taxpayer fails to meet or comply with any condition 1473
or requirement set forth in a tax credit agreement, the tax credit 1474
authority may amend the agreement to reduce the percentage or term 1475
of the credit. The reduction of the percentage or term shall take 1476
effect (1) in the taxable year immediately following the taxable 1477
year in which the authority amends the agreement or the director 1478
of development notifies the taxpayer in writing of such failure, 1479

or (2) in the first tax period beginning in the calendar year 1480
immediately following the calendar year in which the authority 1481
amends the agreement or the director notifies the taxpayer in 1482
writing of such failure. If the taxpayer fails to annually report 1483
any of the information required by division (E)(6) of this section 1484
within the time required by the director, the reduction of the 1485
percentage or term may take effect in the current taxable year. If 1486
the taxpayer relocates employment positions in violation of the 1487
provision required under division ~~(D)(8)(a)~~(E)(8)(a) of this 1488
section, the taxpayer shall not claim the tax credit under section 1489
5733.0610 of the Revised Code for any tax years following the 1490
calendar year in which the relocation occurs, shall not claim the 1491
tax credit under section 5747.058 of the Revised Code for the 1492
taxable year in which the relocation occurs and any subsequent 1493
taxable years, and shall not claim the tax credit under division 1494
(A) of section 5751.50 of the Revised Code for the tax period in 1495
which the relocation occurs and any subsequent tax periods. 1496

(G) Financial statements and other information submitted to 1498
the department of development or the tax credit authority by an 1499
applicant for or recipient of a tax credit under this section, and 1500
any information taken for any purpose from such statements or 1501
information, are not public records subject to section 149.43 of 1502
the Revised Code. However, the chairperson of the authority may 1503
make use of the statements and other information for purposes of 1504
issuing public reports or in connection with court proceedings 1505
concerning tax credit agreements under this section. Upon the 1506
request of the tax commissioner, the chairperson of the authority 1507
shall provide to the commissioner any statement or other 1508
information submitted by an applicant for or recipient of a tax 1509
credit in connection with the credit. The commissioner shall 1510
preserve the confidentiality of the statement or other 1511
information. 1512

(H) A taxpayer claiming a tax credit under this section shall 1513
submit to the tax commissioner a copy of the director of 1514
development's certificate of verification under division (E)(7) of 1515
this section with the taxpayer's tax report or return for the 1516
taxable year or for the calendar year that includes the tax 1517
period. Failure to submit a copy of the certificate with the 1518
report or return does not invalidate a claim for a credit if the 1519
taxpayer submits a copy of the certificate to the commissioner 1520
within sixty days after the commissioner requests it. 1521

(I) For the purposes of this section, a taxpayer may include 1522
a partnership, a corporation that has made an election under 1523
subchapter S of chapter one of subtitle A of the Internal Revenue 1524
Code, or any other business entity through which income flows as a 1525
distributive share to its owners. A partnership, S-corporation, or 1526
other such business entity may elect to pass the credit received 1527
under this section through to the persons to whom the income or 1528
profit of the partnership, S-corporation, or other entity is 1529
distributed. The election shall be made on the annual report 1530
required under division (E)(6) of this section. The election 1531
applies to and is irrevocable for the credit for which the report 1532
is submitted. If the election is made, the credit shall be 1533
apportioned among those persons in the same proportions as those 1534
in which the income or profit is distributed. 1535

(J) If the director of development determines that a taxpayer 1536
that received a tax credit under this section is not complying 1537
with the requirement under division (E)(4) of this section, the 1538
director shall notify the tax credit authority of the 1539
noncompliance. After receiving such a notice, and after giving the 1540
taxpayer an opportunity to explain the noncompliance, the 1541
authority may terminate the agreement and require the taxpayer to 1542
refund to the state all or a portion of the credit claimed in 1543
previous years, as follows: 1544

(1) If the taxpayer maintained operations at the project site 1545
for less than the term of the credit, the amount required to be 1546
refunded shall not exceed the amount of any tax credits previously 1547
allowed and received under this section. 1548

(2) If the taxpayer maintained operations at the project site 1549
longer than the term of the credit, but less than ~~one and one-half~~ 1550
~~times~~ the greater of (a) the term of the credit plus three years, 1551
or (b) seven years, the amount required to be refunded shall not 1552
exceed fifty per cent of the sum of any tax credits previously 1553
allowed and received under this section. 1554

~~(3) If the taxpayer maintained operations at the project site 1555
for at least one and one-half times the term of the credit but 1556
less than twice the term of the credit, the amount required to be 1557
refunded shall not exceed twenty five per cent of the sum of any 1558
tax credits previously allowed and received under this section. 1559~~

In determining the portion of the credit to be refunded to 1560
this state, the authority shall consider the effect of market 1561
conditions on the taxpayer's project and whether the taxpayer 1562
continues to maintain other operations in this state. After making 1563
the determination, the authority shall certify the amount to be 1564
refunded to the tax commissioner. The commissioner shall make an 1565
assessment for that amount against the taxpayer under Chapter 1566
5733., 5747., or 5751. of the Revised Code. The time limitations 1567
on assessments under those chapters do not apply to an assessment 1568
under this division, but the commissioner shall make the 1569
assessment within one year after the date the authority certifies 1570
to the commissioner the amount to be refunded. 1571

If the director of development determines that a taxpayer 1572
that received a tax credit under this section has reduced the 1573
number of employees agreed to under division (E)(5) of this 1574
section by more than ten per cent, the director shall notify the 1575
tax credit authority of the noncompliance. After receiving such 1576

notice, and after providing the taxpayer an opportunity to explain 1577
the noncompliance, the authority may amend the agreement to reduce 1578
the percentage or term of the tax credit. The reduction in the 1579
percentage or term shall take effect in the taxable year, or in 1580
the calendar year that includes the tax period, in which the 1581
authority amends the agreement. 1582

(K) The director of development, after consultation with the 1583
tax commissioner and in accordance with Chapter 119. of the 1584
Revised Code, shall adopt rules necessary to implement this 1585
section. The rules may provide for recipients of tax credits under 1586
this section to be charged fees to cover administrative costs of 1587
the tax credit program. The fees collected shall be credited to 1588
the tax incentive programs operating fund created in section 1589
122.174 of the Revised Code. At the time the director gives public 1590
notice under division (A) of section 119.03 of the Revised Code of 1591
the adoption of the rules, the director shall submit copies of the 1592
proposed rules to the chairpersons of the standing committees on 1593
economic development in the senate and the house of 1594
representatives. 1595

(L) On or before the thirty-first day of March of each year, 1596
the director of development shall submit a report to the governor, 1597
the president of the senate, and the speaker of the house of 1598
representatives on the tax credit program under this section. The 1599
report shall include information on the number of agreements that 1600
were entered into under this section during the preceding calendar 1601
year, a description of the project that is the subject of each 1602
such agreement, and an update on the status of projects under 1603
agreements entered into before the preceding calendar year. 1604

(M)(1) A nonrefundable credit shall be allowed to an 1605
applicable corporation and its related members in an amount equal 1606
to the applicable difference. The credit is in addition to the 1607
credit granted to the corporation or related members under 1608

division (B) of this section. The credit is subject to divisions 1609
(B) to (E) and division (J) of this section. 1610

(2) A person qualifying as an applicable corporation under 1611
this section for a tax year does not necessarily qualify as an 1612
applicable corporation for any other tax year. No person is 1613
entitled to the credit allowed under division (M) of this section 1614
for the tax year immediately following the taxable year during 1615
which the person fails to meet the requirements in divisions 1616
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 1617
to the credit allowed under division (M) of this section for any 1618
tax year for which the person is not eligible for the credit 1619
provided under division (B) of this section. 1620

Sec. 125.02. Except as to the adjutant general for military 1621
supplies and services, the capital square review and advisory 1622
~~board, the department of rehabilitation and correction as~~ 1623
~~specified in division (D) of section 125.04 of the Revised Code,~~ 1624
the general assembly, ~~the bureau of workers' compensation~~ the 1625
judicial branch, and institutions administered by boards of 1626
trustees, the department of administrative services may ~~purchase~~ 1627
establish contracts for supplies and services for the use of state 1628
agencies, or for the use of any political subdivision as described 1629
in division (B) of section 125.04 of the Revised Code. 1630

~~So far as possible, the department of administrative services~~ 1631
~~shall make all purchases from the department of rehabilitation and~~ 1632
~~correction in the exercise of the functions of the department of~~ 1633
~~rehabilitation and correction in the management of state~~ 1634
~~institutions.~~ 1635

The department of administrative services shall prescribe 1636
uniform rules governing forms of specifications, advertisements 1637
for proposals, the opening of bids, the making of awards and 1638
contracts, and the purchase of supplies and performance of work. 1639

~~Nothing in this section precludes the bureau from entering
into a contract with the department of administrative services for
the department to purchase supplies, or services for the use of
the bureau.~~

Sec. 125.021. (A) Except as to the military department, the
general assembly, the bureau of workers' compensation, the
industrial commission, and institutions administered by boards of
trustees, the ~~office of information technology~~ department of
administrative services may contract for, ~~operate, and superintend~~
telephone, other telecommunication, and computer services for
state agencies. Nothing in this division precludes the bureau or
the commission from contracting with the ~~office~~ department to
authorize the ~~office~~ department to contract for, ~~operate, or
superintend~~ those services for the bureau or the commission.

(B)(1) As used in this division:

(a) "Active duty" means active duty pursuant to an executive
order of the president of the United States, an act of the
congress of the United States, or section 5919.29 or 5923.21 of
the Revised Code.

(b) "Immediate family" means a person's spouse residing in
the person's household, brothers and sisters of the whole or of
the half blood, children, including adopted children and
stepchildren, parents, and grandparents.

(2) The ~~office of information technology~~ department of
administrative services may enter into a contract to purchase bulk
long distance telephone services and make them available at cost,
or may make bulk long distance telephone services available at
cost under any existing contract the ~~office~~ department has entered
into, to members of the immediate family of persons deployed on
active duty so that those family members can communicate with the
persons so deployed. If the ~~office~~ department enters into

contracts under division (B)(2) of this section, it shall do so in 1671
accordance with sections 125.01 to 125.11 of the Revised Code and 1672
in a nondiscriminatory manner that does not place any potential 1673
vendor at a competitive disadvantage. 1674

(3) If the ~~office~~ department decides to exercise either 1675
option under division (B)(2) of this section, it shall adopt, and 1676
may amend, rules under Chapter 119. of the Revised Code to 1677
implement that division. 1678

Sec. 125.022. The department of administrative services may 1679
enter into cooperative purchasing agreements with one or more 1680
other states ~~or~~, groups of states, the federal government, other 1681
purchasing consortia, institutions of higher education, or with 1682
any political subdivision of this state described in division (B) 1683
of section 125.04 of the Revised Code for the purpose of 1684
purchasing services or supplies ~~produced from or containing~~ 1685
~~recycled materials for the use of state agencies.~~ 1686

Sec. 125.04. (A) Except as provided in division (D) of this 1687
section, the department of administrative services shall determine 1688
what supplies and services are purchased by or for state agencies. 1689
Whenever the department of administrative services makes any 1690
change or addition to the lists of supplies and services that it 1691
determines to purchase for state agencies, it shall provide a list 1692
to the agencies of the changes or additions ~~and indicate when the~~ 1693
~~department will be prepared to furnish each item listed.~~ Except 1694
for the requirements of division (B) of section 125.11 of the 1695
Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of 1696
the Revised Code do not apply to or affect the educational 1697
institutions of the state. ~~The department shall not include the~~ 1698
~~bureau of workers' compensation in the lists of supplies,~~ 1699
~~equipment, and services purchased and furnished by the department.~~ 1700
1701

~~Nothing in this division precludes the bureau from entering
into a contract with the department for the department to perform
services relative to supplies, equipment, and services contained
in this division for the bureau.~~

(B)(1) As used in this division: 1706

(a) "Chartered nonpublic school" has the same meaning as in
section 3310.01 of the Revised Code. 1707
1708

(b) "Emergency medical service organization" has the same
meaning as in section 4765.01 of the Revised Code. 1709
1710

~~(b)~~(c) "Political subdivision" means any county, township,
municipal corporation, school district, conservancy district,
township park district, park district created under Chapter 1545.
of the Revised Code, regional transit authority, regional airport
authority, regional water and sewer district, or port authority.
"Political subdivision" also includes any other political
subdivision described in the Revised Code that has been approved
by the department to participate in the department's contracts
under this division.

~~(e)~~(d) "Private fire company" has the same meaning as in
section 9.60 of the Revised Code. 1720
1721

(2) Subject to division (C) of this section, the department
of administrative services may permit a political subdivision,
county board of elections, private fire company, ~~or~~ private,
nonprofit emergency medical service organization, or chartered
nonpublic school to participate in contracts into which the
department has entered for the purchase of supplies and services.
The department may charge the entity a reasonable fee to cover the
administrative costs the department incurs as a result of
participation by the entity in such a purchase contract.

A political subdivision desiring to participate in such 1732

purchase contracts shall file with the department a certified copy 1733
of an ordinance or resolution of the legislative authority or 1734
governing board of the political subdivision. The resolution or 1735
ordinance shall request that the political subdivision be 1736
authorized to participate in such contracts and shall agree that 1737
the political subdivision will be bound by such terms and 1738
conditions as the department prescribes and that it will directly 1739
pay the vendor under each purchase contract. A board of elections 1740
desiring to participate in such purchase contracts shall file with 1741
the purchasing authority a written request for inclusion in the 1742
program. A private fire company ~~or~~, private, nonprofit emergency 1743
medical service organization, or chartered nonpublic school 1744
desiring to participate in such purchase contracts shall file with 1745
the department a written request for inclusion in the program 1746
signed by the chief officer of the company ~~or~~, organization, or 1747
chartered nonpublic school. A request for inclusion shall include 1748
an agreement to be bound by such terms and conditions as the 1749
department prescribes and to make direct payments to the vendor 1750
under each purchase contract. 1751

The department shall include in its annual report an estimate 1752
of the cost it incurs by permitting political subdivisions, county 1753
boards of elections, private fire companies, ~~and~~ private, 1754
nonprofit emergency medical service organizations, and chartered 1755
nonpublic schools to participate in contracts pursuant to this 1756
division. The department may require such entities to file a 1757
report with the department, as often as it finds necessary, 1758
stating how many such contracts the entities participated in 1759
within a specified period of time, and any other information the 1760
department requires. 1761

(3) Purchases made by a political subdivision or a county 1762
board of elections under this division are exempt from any 1763
competitive selection procedures otherwise required by law. No 1764

political subdivision shall make any purchase under this division 1765
when bids have been received for such purchase by the subdivision, 1766
unless such purchase can be made upon the same terms, conditions, 1767
and specifications at a lower price under this division. 1768

(C) A political subdivision as defined in division (B) of 1769
this section or a county board of elections may purchase supplies 1770
or services from another party, including a political subdivision, 1771
instead of through participation in contracts described in 1772
division (B) of this section if the political subdivision or 1773
county board of elections can purchase those supplies or services 1774
from the other party upon equivalent terms, conditions, and 1775
specifications but at a lower price than it can through those 1776
contracts. Purchases that a political subdivision or county board 1777
of elections makes under this division are exempt from any 1778
competitive selection procedures otherwise required by law. A 1779
political subdivision or county board of elections that makes any 1780
purchase under this division shall maintain sufficient information 1781
regarding the purchase to verify that the political subdivision or 1782
county board of elections satisfied the conditions for making a 1783
purchase under this division. Nothing in this division restricts 1784
any action taken by a county or township as authorized by division 1785
(A)(1) of section 9.48 of the Revised Code. 1786

(D) This section does not apply to supplies or services 1787
required by the legislative or judicial branches, the capitol 1788
square review and advisory board, the adjutant general for 1789
military supplies and services, to supplies or services purchased 1790
by a state agency directly as provided in division (A), (B), or 1791
~~(E)~~(F) of section 125.05 of the Revised Code, or to purchases of 1792
supplies or services for the emergency management agency as 1793
provided in section 125.023 of the Revised Code, ~~or to purchases~~ 1794
~~of supplies or services for the department of rehabilitation and~~ 1795
~~correction in its operation of the program for the employment of~~ 1796

~~prisoners established under section 5145.16 of the Revised Code 1797
that shall be made pursuant to rules adopted by the director of 1798
administrative services and the director of rehabilitation and 1799
correction in accordance with Chapter 119. of the Revised Code. 1800
The rules may provide for the exemption of the program for the 1801
employment of prisoners from the requirements of division (A) of 1802
this section. 1803~~

Sec. 125.041. Nothing in sections 125.02, 125.03 to 125.08, 1804
125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of the 1805
Revised Code shall be construed as limiting the attorney general, 1806
auditor of state, secretary of state, or treasurer of state in any 1807
of the following: 1808

(A) Purchases for less than the dollar amounts for the 1809
purchase of supplies or services determined pursuant to division 1810
~~(D)~~(E) of section 125.05 of the Revised Code; 1811

(B) Purchases that equal or exceed the dollar amounts for the 1812
purchase of supplies or services determined pursuant to division 1813
~~(D)~~(E) of section 125.05 of the Revised Code with the approval of 1814
the controlling board, if that approval is required by section 1815
127.16 of the Revised Code; 1816

(C) The final determination of the nature or quantity making 1817
any purchase of supplies or services to be purchased pursuant to 1818
section 125.06 of the Revised Code; 1819

(D) The final determination and disposal of excess and 1820
surplus supplies; 1821

(E) The inventory of state property; 1822

(F) The purchase of printing; 1823

(G) Activities related to information technology development 1824
and use; 1825

(H) The fleet management program. 1826

Sec. 125.05. Except as provided in division ~~(E)~~(F) of this 1827
section, no state agency shall purchase any supplies or services 1828
except as provided in divisions (A) to ~~(C)~~(D) of this section. 1829

(A) Subject to division ~~(D)~~(E) of this section, a state 1830
agency may, without competitive selection, make any purchase of 1831
supplies or services that cost fifty twenty-five thousand dollars 1832
or less ~~or any purchase of supplies that cost twenty-five thousand~~ 1833
~~dollars or less~~. The agency may make the purchase directly or may 1834
make the purchase from or through the department of administrative 1835
services, whichever the agency determines. The ~~department shall~~ 1836
~~establish written procedures to assist state agencies when they~~ 1837
~~make direct purchases. If the agency makes the purchase directly,~~ 1838
~~it shall make the purchase by a term contract whenever possible~~ 1839
agency shall adopt written procedures consistent with the 1840
department's purchasing procedures and shall use those procedures 1841
when making purchases under this division. 1842

(B) Subject to division (E) of this section and in accordance 1843
with section 125.051 of the Revised Code, a state agency may make 1844
purchases of supplies and services that cost more than twenty-five 1845
thousand dollars but less than fifty thousand dollars if the 1846
purchases are made under the direction of an employee of the 1847
agency who is certified by the department to make purchases and if 1848
the purchases comply with the department's purchasing procedures. 1849
Section 127.16 of the Revised Code does not apply to purchases 1850
made under this division. Until the certification effective date 1851
established by the department in rules adopted under section 1852
125.051 of the Revised Code, state agencies may make purchases of 1853
supplies and services that cost more than twenty-five thousand 1854
dollars but less than fifty thousand dollars in the same manner as 1855
provided in division (A) of this section. 1856

~~(B)~~(C) Subject to division ~~(D)~~(E) of this section, a state 1857

agency wanting to purchase ~~services that cost more than fifty~~ 1858
~~thousand dollars or supplies or services~~ that cost more than 1859
twenty-five thousand dollars shall, unless otherwise authorized by 1860
law, make the purchase from or through the department. The 1861
department shall make the purchase by competitive selection ~~under~~ 1862
~~section 125.07 of the Revised Code~~. If the director of 1863
administrative services determines that it is not possible or not 1864
advantageous to the state for the department to make the purchase, 1865
the department shall grant the agency a release and permit under 1866
section 125.06 of the Revised Code to make the purchase. Section 1867
127.16 of the Revised Code does not apply to purchases the 1868
department makes under this section. 1869

~~(C)~~(D) An agency that has been granted a release and permit 1870
to make a purchase may make the purchase without competitive 1871
selection if after making the purchase the cumulative purchase 1872
threshold as computed under division ~~(F)~~(E) of section 127.16 of 1873
the Revised Code would: 1874

(1) Be exceeded and the controlling board approves the 1875
purchase; 1876

(2) Not be exceeded and the department of administrative 1877
services approves the purchase. 1878

~~(D)~~(E) Not later than ~~January 31, 1997, the amounts specified~~ 1879
~~in divisions (A) and (B) of this section and, not later than the~~ 1880
thirty-first day of January of each ~~second~~ even-numbered year 1881
~~thereafter, any amounts computed by adjustments made under this~~ 1882
~~division, shall be increased or decreased by the average~~ 1883
~~percentage increase or decrease in the consumer price index~~ 1884
~~prepared by the United States bureau of labor statistics (U.S.~~ 1885
~~City Average for Urban Wage Earners and Clerical Workers: "All~~ 1886
~~Items 1982-1984=100") for the twenty four calendar month period~~ 1887
~~prior to the immediately preceding first day of January over the~~ 1888
~~immediately preceding twenty four calendar month period, as~~ 1889

~~reported by the bureau. The director of administrative services~~ 1890
~~shall make this determination and adjust the appropriate amounts~~ 1891
~~accordingly, the directors of administrative services and budget~~ 1892
~~and management shall review and recommend to the general assembly,~~ 1893
~~if necessary, adjustments to the amounts specified in divisions~~ 1894
~~(A) to (C) of this section and division (B) of section 127.16 of~~ 1895
~~the Revised Code.~~ 1896

~~(E)~~(F) If the eTech Ohio commission, the department of 1897
education, or the Ohio education computer network determines that 1898
it can purchase software services or supplies for specified school 1899
districts at a price less than the price for which the districts 1900
could purchase the same software services or supplies for 1901
themselves, the commission, department, or network shall certify 1902
that fact to the department of administrative services and, acting 1903
as an agent for the specified school districts, shall make that 1904
purchase without following the provisions in divisions (A) to (D) 1905
of this section. 1906

Sec. 125.051. The director of administrative services shall 1907
certify employees of state agencies to make purchases of supplies 1908
and services under division (B) of section 125.05 of the Revised 1909
Code. The director shall adopt rules in accordance with Chapter 1910
119. of the Revised Code governing certification that provide for 1911
the following: 1912

(A) Requirements for certification, including candidate 1913
qualifications and training on how to make purchases in accordance 1914
with the department of administrative services' purchasing 1915
procedures; 1916

(B) Requirements and procedures for renewal of certification; 1917

(C) Causes for and procedures governing termination of 1918
certification; 1919

(D) Requirements and procedures for granting provisional certification; 1920
1921

(E) The certification effective date, after which purchases shall be made by certified employees; 1922
1923

(F) Any other rules necessary to govern certification. 1924

Sec. 125.06. The department of administrative services may, 1925
pursuant to division ~~(B)~~(C) of section 125.05 of the Revised Code 1926
and subject to such rules as the director of administrative 1927
services may adopt, issue a release and permit to the agency to 1928
secure supplies or services. A release and permit shall specify 1929
the supplies or services to which it applies, the time during 1930
which it is operative, and the reason for its issuance. A release 1931
and permit for computer services shall also specify the type of 1932
services to be rendered, the number and type of machines to be 1933
employed, and may specify the amount of such services to be 1934
performed. One copy of every release and permit shall be filed 1935
with the agency to which it is issued, and one copy shall be 1936
retained by the department. 1937

Sec. 125.07. The department of administrative services, in 1938
making a purchase by competitive selection pursuant to division 1939
~~(B)~~(C) of section 125.05 of the Revised Code, shall give notice in 1940
the following manner: 1941

(A) The department shall advertise the intended purchases by 1942
notice that is posted by mail or electronic means and that is for 1943
the benefit of competing persons producing or dealing in the 1944
supplies or services to be purchased, including, but not limited 1945
to, the persons whose names appear on the appropriate list 1946
provided for in section 125.08 of the Revised Code. The notice may 1947
be in the form of the bid or proposal document or of a listing in 1948
a periodic bulletin, or in any other form the director of 1949

administrative services considers appropriate to sufficiently 1950
notify qualified competing persons of the intended purchases. 1951

(B) The notice required under division (A) of this section 1952
shall include the time and place where bids or proposals will be 1953
accepted and opened, or, when bids are made in a reverse auction, 1954
the time when bids will be accepted; the conditions under which 1955
bids or proposals will be received; the terms of the proposed 1956
purchases; and an itemized list of the supplies or services to be 1957
purchased and the estimated quantities or amounts of them. 1958

(C) The posting of the notice required under division (A) of 1959
this section shall be completed by the number of days the director 1960
determines preceding the day when the bids or proposals will be 1961
opened or accepted. 1962

(D) The department also shall maintain, in a public place in 1963
its office, a bulletin board upon which it shall post and maintain 1964
a copy of the notice required under division (A) of this section 1965
for at least the number of days the director determines under 1966
division (C) of this section preceding the day of the opening or 1967
acceptance of the bids or proposals. The failure to so 1968
additionally post the notice shall invalidate all proceedings had 1969
and any contract entered into pursuant to the proceedings. 1970

Sec. 125.18. (A) There is hereby established the office of 1971
information technology ~~housed~~ within the department of 1972
administrative services. The office shall be under the supervision 1973
of a state chief information officer to be appointed by the 1974
~~governor~~ director of administrative services and subject to 1975
removal at the pleasure of the ~~governor~~ director. The chief 1976
information officer ~~shall serve as the~~ is an assistant director of 1977
~~the office~~ administrative services. 1978

(B) ~~The director of the office of information technology~~ 1979
~~shall advise the governor regarding the superintendence and~~ 1980

~~implementation of statewide information technology policy.~~ 1981

~~(C) The director of the office of information technology~~ 1982
Under the direction of the director of administrative services, 1983
the state chief information officer shall lead, oversee, and 1984
direct state agency activities related to information technology 1985
development and use. In that regard, the ~~director~~ state chief 1986
information officer shall do all of the following: 1987

(1) Coordinate and superintend statewide efforts to promote 1988
common use and development of technology by state agencies. The 1989
office of information technology shall establish policies and 1990
standards that govern and direct state agency participation in 1991
statewide programs and initiatives. 1992

(2) Establish policies and standards for the acquisition and 1993
use of information technology by state agencies, including, but 1994
not limited to, hardware, software, technology services, and 1995
security, with which state agencies shall comply; 1996

(3) Establish criteria and review processes to identify state 1997
agency information technology projects or purchases that require 1998
alignment or oversight. As appropriate, the ~~office of information~~ 1999
~~technology~~ department of administrative services shall provide the 2000
governor and the director of budget and management with notice and 2001
advice regarding the appropriate allocation of resources for those 2002
projects. The ~~director of the office of information technology~~ 2003
state chief information officer may require state agencies to 2004
provide, and may prescribe the form and manner by which they must 2005
provide, information to fulfill the ~~director's~~ state chief 2006
information officer's alignment and oversight role; 2007

(4) Establish policies and procedures for the security of 2008
personal information that is maintained and destroyed by state 2009
agencies; 2010

(5) Employ a chief information security officer who is 2011

responsible for the implementation of the policies and procedures 2012
described in division ~~(C)~~(B)(4) of this section and for 2013
coordinating the implementation of those policies and procedures 2014
in all of the state agencies; 2015

(6) Employ a chief privacy officer who is responsible for 2016
advising ~~the office of information technology~~ and state agencies 2017
when establishing policies and procedures for the security of 2018
personal information and developing education and training 2019
programs regarding the state's security procedures. 2020

~~(D)~~(C)(1) The chief information security officer shall assist 2021
each state agency with the development of an information 2022
technology security strategic plan and review that plan, and each 2023
state agency shall submit that plan to the ~~office of information~~ 2024
~~technology~~ state chief information officer. The chief information 2025
security officer may require that each state agency update its 2026
information technology security strategic plan annually as 2027
determined by the state chief information officer. 2028

(2) Prior to the implementation of any information technology 2029
data system, a state agency shall prepare or have prepared a 2030
privacy impact statement for that system. 2031

~~(E)~~ ~~The office of information technology shall have the same~~ 2032
~~authority given to the department of administrative services under~~ 2033
~~sections 125.01, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07,~~ 2034
~~125.071, 125.072, 125.081, 125.09, 125.10, 125.11, and 125.25 of~~ 2035
~~the Revised Code for the purchase of information technology~~ 2036
~~supplies and services for state agencies.~~ 2037

~~(F)~~(D) When a state agency requests a purchase of information 2038
technology supplies or services under Chapter 125. of the Revised 2039
Code, the state chief information officer may review and reject 2040
the requested purchase for noncompliance with information 2041
technology direction, plans, policies, standards, or 2042

project-alignment criteria. 2043

~~(E)~~ The office of information technology may ~~make contracts~~ 2044
~~for,~~ operate, ~~and superintend~~ technology ~~supplies and~~ services for 2045
state agencies in accordance with this chapter. 2046

~~(G)~~ (F) With the approval of the director of 2047
administrative services, the office of information technology may 2048
establish cooperative agreements with federal and local government 2049
agencies and state agencies that are not under the authority of 2050
the governor for the provision of technology services and the 2051
development of technology projects. 2052

~~(H)~~(G) As used in this section: 2053

(1) "Personal information" has the same meaning as in section 2054
149.45 of the Revised Code. 2055

(2) "State agency" means every organized body, office, or 2056
agency established by the laws of the state for the exercise of 2057
any function of state government, other than any state-supported 2058
institution of higher education, the office of the auditor of 2059
state, treasurer of state, secretary of state, or attorney 2060
general, the adjutant general's department, the bureau of workers' 2061
compensation, the industrial commission, the public employees 2062
retirement system, the Ohio police and fire pension fund, the 2063
state teachers retirement system, the school employees retirement 2064
system, the state highway patrol retirement system, the general 2065
assembly or any legislative agency, or the courts or any judicial 2066
agency. 2067

Sec. 125.25. (A) The director of administrative services may 2068
debar a vendor from consideration for contract awards upon a 2069
finding based upon a reasonable belief that the vendor has done 2070
any of the following: 2071

(1) Abused the selection process by repeatedly withdrawing 2072

bids or proposals before purchase orders or contracts are issued	2073
or failing to accept orders based upon firm bids;	2074
(2) Failed to substantially perform a contract according to	2075
its terms, conditions, and specifications within specified time	2076
limits;	2077
(3) Failed to cooperate in monitoring contract performance by	2078
refusing to provide information or documents required in a	2079
contract, failed to respond to complaints to the vendor, or	2080
accumulated repeated justified complaints regarding performance of	2081
a contract;	2082
(4) Attempted to influence a public employee to breach	2083
ethical conduct standards or to influence a contract award;	2084
(5) Colluded to restrain competition by any means;	2085
(6) Been convicted of a criminal offense related to the	2086
application for or performance of any public or private contract,	2087
including, but not limited to, embezzlement, theft, forgery,	2088
bribery, falsification or destruction of records, receiving stolen	2089
property, and any other offense that directly reflects on the	2090
vendor's business integrity;	2091
(7) Been convicted under state or federal antitrust laws;	2092
(8) Deliberately or willfully submitted false or misleading	2093
information in connection with the application for or performance	2094
of a public contract;	2095
(9) Violated any other responsible business practice or	2096
performed in an unsatisfactory manner as determined by the	2097
director;	2098
(10) Through the default of a contract or through other means	2099
had a determination of unresolved finding for recovery by the	2100
auditor of state under section 9.24 of the Revised Code;	2101
(11) Acted in such a manner as to be debarred from	2102

participating in a contract with any governmental agency. 2103

(B) When the director reasonably believes that grounds for 2104
debarment exist, the director shall send the vendor a notice of 2105
proposed debarment indicating the grounds for the proposed 2106
debarment and the procedure for requesting a hearing on the 2107
proposed debarment. The hearing shall be conducted in accordance 2108
with Chapter 119. of the Revised Code. If the vendor does not 2109
respond with a request for a hearing in the manner specified in 2110
Chapter 119. of the Revised Code, the director shall issue the 2111
debarment decision without a hearing and shall notify the vendor 2112
of the decision by certified mail, return receipt requested. 2113

(C) The director shall determine the length of the debarment 2114
period and may rescind the debarment at any time upon notification 2115
to the vendor. During the period of debarment, the vendor is not 2116
eligible to participate in any state contract. After the debarment 2117
period expires, the vendor shall be eligible to be awarded 2118
contracts by state agencies. 2119

(D) The director, through ~~the office of information~~ 2120
~~technology~~ and the office of procurement services, shall maintain 2121
a list of all vendors currently debarred under this section. 2122

Sec. 127.16. (A) Upon the request of either a state agency or 2123
the director of budget and management and after the controlling 2124
board determines that an emergency or a sufficient economic reason 2125
exists, the controlling board may approve the making of a purchase 2126
without competitive selection as provided in division (B) of this 2127
section. 2128

(B) Except as otherwise provided in this section, no state 2129
agency, using money that has been appropriated to it directly, 2130
shall: 2131

(1) Make any purchase from a particular supplier, that would 2132

amount to fifty thousand dollars or more when combined with both 2133
the amount of all disbursements to the supplier during the fiscal 2134
year for purchases made by the agency and the amount of all 2135
outstanding encumbrances for purchases made by the agency from the 2136
supplier, unless the purchase is made by competitive selection or 2137
with the approval of the controlling board; 2138

(2) Lease real estate from a particular supplier, if the 2139
lease would amount to seventy-five thousand dollars or more when 2140
combined with both the amount of all disbursements to the supplier 2141
during the fiscal year for real estate leases made by the agency 2142
and the amount of all outstanding encumbrances for real estate 2143
leases made by the agency from the supplier, unless the lease is 2144
made by competitive selection or with the approval of the 2145
controlling board. 2146

(C) Any person who authorizes a purchase in violation of 2147
division (B) of this section shall be liable to the state for any 2148
state funds spent on the purchase, and the attorney general shall 2149
collect the amount from the person. 2150

(D) Nothing in division (B) of this section shall be 2151
construed as: 2152

(1) A limitation upon the authority of the director of 2153
transportation as granted in sections 5501.17, 5517.02, and 2154
5525.14 of the Revised Code; 2155

(2) Applying to medicaid provider agreements under Chapter 2156
5111. of the Revised Code or payments or provider agreements under 2157
the disability medical assistance program established under 2158
Chapter 5115. of the Revised Code; 2159

(3) Applying to the purchase of examinations from a sole 2160
supplier by a state licensing board under Title XLVII of the 2161
Revised Code; 2162

(4) Applying to entertainment contracts for the Ohio state 2163

fair entered into by the Ohio expositions commission, provided 2164
that the controlling board has given its approval to the 2165
commission to enter into such contracts and has approved a total 2166
budget amount for such contracts as agreed upon by commission 2167
action, and that the commission causes to be kept itemized records 2168
of the amounts of money spent under each contract and annually 2169
files those records with the clerk of the house of representatives 2170
and the clerk of the senate following the close of the fair; 2171

(5) Limiting the authority of the chief of the division of 2172
mineral resources management to contract for reclamation work with 2173
an operator mining adjacent land as provided in section 1513.27 of 2174
the Revised Code; 2175

(6) Applying to investment transactions and procedures of any 2176
state agency, except that the agency shall file with the board the 2177
name of any person with whom the agency contracts to make, broker, 2178
service, or otherwise manage its investments, as well as the 2179
commission, rate, or schedule of charges of such person with 2180
respect to any investment transactions to be undertaken on behalf 2181
of the agency. The filing shall be in a form and at such times as 2182
the board considers appropriate. 2183

(7) Applying to purchases made with money for the per cent 2184
for arts program established by section 3379.10 of the Revised 2185
Code; 2186

(8) Applying to purchases made by the rehabilitation services 2187
commission of services, or supplies, that are provided to persons 2188
with disabilities, or to purchases made by the commission in 2189
connection with the eligibility determinations it makes for 2190
applicants of programs administered by the social security 2191
administration; 2192

(9) Applying to payments by the department of job and family 2193
services under section 5111.13 of the Revised Code for group 2194

health plan premiums, deductibles, coinsurance, and other	2195
cost-sharing expenses;	2196
(10) Applying to any agency of the legislative branch of the	2197
state government;	2198
(11) Applying to agreements or contracts entered into under	2199
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	2200
Revised Code;	2201
(12) Applying to purchases of services by the adult parole	2202
authority under section 2967.14 of the Revised Code or by the	2203
department of youth services under section 5139.08 of the Revised	2204
Code;	2205
(13) Applying to dues or fees paid for membership in an	2206
organization or association;	2207
(14) Applying to purchases of utility services pursuant to	2208
section 9.30 of the Revised Code;	2209
(15) Applying to purchases made in accordance with rules	2210
adopted by the department of administrative services of motor	2211
vehicle, aviation, or watercraft fuel, or emergency repairs of	2212
such vehicles;	2213
(16) Applying to purchases of tickets for passenger air	2214
transportation;	2215
(17) Applying to purchases necessary to provide public	2216
notifications required by law or to provide notifications of job	2217
openings;	2218
(18) Applying to the judicial branch of state government;	2219
(19) Applying to purchases of liquor for resale by the	2220
division of liquor control;	2221
(20) Applying to purchases of motor courier and freight	2222
services made in accordance with department of administrative	2223
services rules;	2224

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	2225 2226 2227 2228
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	2229 2230 2231
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	2232 2233
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	2234 2235 2236 2237
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	2238 2239 2240
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	2241 2242 2243 2244 2245
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	2246 2247 2248
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	2249 2250 2251
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the	2252 2253 2254

Revised Code. The director shall keep an itemized accounting of 2255
unclaimed funds collected by those persons and amounts paid to 2256
them for their services. 2257

(30) Applying to purchases made by a state institution of 2258
higher education in accordance with the terms of a contract 2259
between the vendor and an inter-university purchasing group 2260
comprised of purchasing officers of state institutions of higher 2261
education; 2262

(31) Applying to the department of job and family services' 2263
purchases of health assistance services under the children's 2264
health insurance program part I provided for under section 5101.50 2265
of the Revised Code, the children's health insurance program part 2266
II provided for under section 5101.51 of the Revised Code, or the 2267
children's health insurance program part III provided for under 2268
section 5101.52 of the Revised Code, or the children's buy-in 2269
program provided for under sections 5101.5211 to 5101.5216 of the 2270
Revised Code; 2271

(32) Applying to payments by the attorney general from the 2272
reparations fund to hospitals and other emergency medical 2273
facilities for performing medical examinations to collect physical 2274
evidence pursuant to section 2907.28 of the Revised Code; 2275

(33) Applying to contracts with a contracting authority or 2276
administrative receiver under division (B) of section 5126.056 of 2277
the Revised Code; 2278

(34) Applying to reimbursements paid to the United States 2279
department of veterans affairs for pharmaceutical and patient 2280
supply purchases made on behalf of the Ohio veterans' home agency; 2281

(35) Applying to agreements entered into with terminal 2282
distributors of dangerous drugs under section 173.79 of the 2283
Revised Code; 2284

(36) Applying to payments by the superintendent of the bureau 2285

of criminal identification and investigation to the federal bureau 2286
of investigation for criminal records checks pursuant to section 2287
109.572 of the Revised Code. 2288

~~(E) Notwithstanding division (B)(1) of this section, the 2289
cumulative purchase threshold shall be seventy five thousand 2290
dollars for the departments of mental retardation and 2291
developmental disabilities, mental health, rehabilitation and 2292
correction, and youth services. 2293~~

~~(F)~~ When determining whether a state agency has reached the 2294
cumulative purchase thresholds established in divisions (B)(1),
~~(B)~~ and (2), ~~and (E)~~ of this section, all of the following 2295
purchases by such agency shall not be considered: 2296
2297

(1) Purchases made through competitive selection or with 2298
controlling board approval; 2299

(2) Purchases listed in division (D) of this section; 2300

(3) For the purposes of the ~~thresholds~~ threshold of ~~divisions~~
division (B)(1) ~~and (E)~~ of this section only, leases of real 2301
estate. 2302
2303

~~(G)~~(F) As used in this section, "competitive selection," 2304
"purchase," "supplies," and "services" have the same meanings as 2305
in section 125.01 of the Revised Code. 2306

Sec. 133.08. (A) In addition to any power to issue securities 2307
under other provisions of the Revised Code for the purposes, a 2308
county may issue revenue securities as authorized in this section. 2309
2310

(B) A county may issue revenue securities to fund or refund 2311
revenue securities previously issued, or for any purposes for 2312
which it could issue self-supporting securities and, without 2313
limitation, any of the following general purposes: 2314

(1) For one or more established sewer districts, any of the 2315

purposes provided in divisions (C)(2)(a) and (b) of section 133.07 2316
of the Revised Code⁺, including sanitary facilities, drainage 2317
facilities, and prevention or replacement facilities as defined in 2318
section 6117.01 of the Revised Code. For purposes of this chapter, 2319
those sanitary facilities, drainage facilities, and prevention or 2320
replacement facilities are hereby determined to qualify as 2321
facilities described in Section 13 of Article VIII, Ohio 2322
Constitution. 2323

(2) Hospital facilities as defined in division (E) of section 2324
140.01 of the Revised Code; 2325

(3) Facilities described in division (C)(10) of section 2326
133.07 of the Revised Code; 2327

(4) Off-street parking facilities pursuant to section 307.02 2328
of the Revised Code; 2329

(5) An arena, a convention center, or a combination of an 2330
arena and convention center under section 307.695 of the Revised 2331
Code. 2332

(C) The county shall establish rates or charges for the use, 2333
availability, or rental of the facilities to which the financing 2334
relates, being the improvement, enterprise, system, project, or 2335
categories of improvements or the operation or function that the 2336
facilities serve, which rates or charges shall be designed to 2337
provide revenues to the county sufficient to pay the costs of all 2338
current expenses of the facilities payable by the county and to 2339
pay the debt charges on the securities and to establish and 2340
maintain any contractually required special funds relating to the 2341
securities or the facilities. 2342

(D) Revenue securities issued under this section shall not be 2343
general obligations of the county. Revenue securities issued under 2344
this section shall be secured only by a pledge of and lien upon 2345
the revenues of the county, derived from its ownership or 2346

operation of the facilities, including those rates or charges or rents and any interest subsidies or debt charges, grants, or other payments by federal or state agencies available therefor, and the covenants of the county to maintain sufficient rentals, rates, and charges to produce revenues sufficient to pay all current expenses of the facilities payable by the county and to pay the debt charges on the securities and to establish and maintain any contractually required special funds relating to the securities or the facilities, and, if the securities are anticipatory securities, to issue the revenue securities in anticipation of the issuance of which the revenue securities are issued. Revenue securities may also be secured by a pledge of and lien on the proceeds of any securities issued to fund or refund those revenue securities.

(E) The county officers authorized by the county taxing authority shall execute the necessary documents, including but not limited to trust agreements and leases, to provide for the pledge, protection, and disposition of the pledged revenues from which debt charges and any special fund deposits are to be paid.

(F) As long as any of these revenue securities, in either original or refunded form, remain outstanding, except as otherwise provided in those documents, all parts of the facilities the revenues from which are pledged, shall remain under the control of the county taxing authority, whether any parts of the facilities are leased to or operated by others or are in or thereafter come within the boundaries of any municipal corporation, and the facilities shall remain subject to the power and duty of the taxing authority to fix and collect rates or charges or rents for the use of facilities.

(G) The authority to issue securities of the county under this section for permanent improvements described in division (B)(2) of this section or division (C)(2)(d) of section 133.07 of

the Revised Code may separately and independently be exercised by 2379
a board of county hospital trustees established under section 2380
339.02 of the Revised Code for those permanent improvements and 2381
related operations under the control of that board. 2382

(H) Sections 9.98 to 9.983 of the Revised Code apply to 2383
securities issued under this section, notwithstanding any other 2384
provision in this chapter. 2385

Sec. 133.52. A county, municipal corporation, or township may 2386
issue or incur public obligations, including general obligations, 2387
to provide, or assist in providing, grants, loans, loan 2388
guarantees, or contributions for conservation and revitalization 2389
purposes pursuant to Section 2o of Article VIII, Ohio 2390
Constitution. 2391

Sec. 135.101. As used in sections 135.101 to 135.106 of the 2392
Revised Code: 2393

(A) "Eligible resident" means an individual who is a resident 2394
of Ohio and who completes the SaveNOW education program prescribed 2395
by section 135.104 of the Revised Code. 2396

(B) "Eligible savings institution" means a financial 2397
institution that offers savings accounts available to residents of 2398
Ohio, that is a public depository of public money of the state 2399
under section 135.03 of the Revised Code, and that agrees to 2400
participate in the SaveNOW program under sections 135.101 to 2401
135.106 of the Revised Code. 2402

(C) "SaveNOW linked deposit" means a deposit placed by the 2403
treasurer of state with an eligible savings institution at a rate 2404
determined and calculated by the treasurer of state. 2405

(D) "SaveNOW savings account" means an interest-bearing 2406
account that is opened by an eligible resident at an eligible 2407
savings institution and that complies with the requirements of 2408

section 135.104 of the Revised Code. 2409

(E) "Premium savings rate" means the highest savings rate 2410
that is offered by an eligible savings institution for large 2411
deposits, as approved by and negotiated with the treasurer of 2412
state. 2413

(F) "Program period" means the length of time, not to exceed 2414
two years, established by the treasurer of state that a SaveNOW 2415
savings account is eligible to receive the SaveNOW interest 2416
incentive. 2417

Sec. 135.102. The general assembly finds that the personal 2418
savings rate among Ohioans has declined in recent years, that 2419
personal savings are important to the future prosperity of Ohio, 2420
and that personal savings must be encouraged and assisted. The 2421
SaveNOW program provided for in sections 135.101 to 135.106 of the 2422
Revised Code is intended to promote increased personal savings, 2423
which will materially contribute to the economic growth of Ohio 2424
and the financial security of its residents. Accordingly, it is 2425
declared to be the public policy of the state through the SaveNOW 2426
program to create an availability of higher-rate savings accounts 2427
for the purpose of increasing personal savings and promoting 2428
financial education among the residents of Ohio. 2429

Sec. 135.103. The treasurer of state may invest in SaveNOW 2430
linked deposits under sections 135.101 to 135.106 of the Revised 2431
Code, provided that at the time of placing any SaveNOW linked 2432
deposits the combined amount of investments of public money of the 2433
state in linked deposits of any kind is not more than twelve per 2434
cent of the state's total average investment portfolio as 2435
determined by the treasurer of state. When deciding whether to 2436
invest in SaveNOW linked deposits, the treasurer of state shall 2437
give priority to the investment, liquidity, and cash flow needs of 2438

the state. 2439

Sec. 135.104. (A) A resident of Ohio may participate in the 2440
SaveNOW program by agreeing to maintain a SaveNOW savings account 2441
at an eligible savings institution for the program period and by 2442
completing the SaveNOW education program. The SaveNOW education 2443
program shall include a financial literacy assessment and a 2444
financial literacy program established and administered by the 2445
treasurer of state. 2446

(B) An eligible savings institution shall accept applications 2447
for a SaveNOW savings account from eligible residents on a 2448
first-come, first-served basis on forms prescribed by the 2449
treasurer of state. The eligible savings institution shall offer 2450
to eligible residents a SaveNOW savings account that satisfies all 2451
of the following: 2452

(1) Opening and maintaining the account requires no minimum 2453
deposit; 2454

(2) No fees are charged for opening or using the account; and 2455

(3) All deposits in the account earn at least the premium 2456
savings rate. 2457

(C) To provide an additional incentive for saving, a SaveNOW 2458
incentive rate of interest shall accrue to the average daily 2459
balance of deposits, up to five thousand dollars, in a SaveNOW 2460
savings account during the program period at a rate equal to up to 2461
three percentage points above the premium savings rate. The 2462
interest earnings arising from the SaveNOW incentive rate of 2463
interest shall be credited to the account in a lump sum at the 2464
conclusion of the program period. 2465

(D) The interest earnings arising from the SaveNOW incentive 2466
rate of interest under division (C) of this section shall be 2467
deducted from the interest earned on the state's SaveNOW linked 2468

deposit at the end of the eligible program period. 2469

(E) Not more than one SaveNOW savings account shall be held 2470
by an eligible resident during a program period. An individual 2471
holding a SaveNOW savings account jointly with another individual 2472
shall be considered to be holding such an account for the purposes 2473
of this division, unless the joint ownership is of an account 2474
opened by a parent, grandparent, or guardian for a minor or for a 2475
dependent adult. 2476

Sec. 135.105. (A) Upon the placement of a SaveNOW linked 2477
deposit with an eligible savings institution, the institution 2478
shall offer SaveNOW savings accounts to eligible residents under 2479
section 135.104 of the Revised Code. A certification of compliance 2480
with this section in the form and manner prescribed by the 2481
treasurer of state shall be required of the eligible savings 2482
institution. 2483

(B) The treasurer of state shall take any and all steps 2484
necessary to implement the SaveNOW program and to monitor the 2485
compliance of eligible savings institutions, including the 2486
development of guidelines as necessary. 2487

(C) Annually, by the first day of February, the treasurer of 2488
state shall report on the SaveNOW program for the preceding 2489
calendar year to the governor, the speaker of the house of 2490
representatives, and the president of the senate. The speaker 2491
shall transmit copies of the report to the chairpersons of the 2492
standing committees of the house of representatives that 2493
customarily consider legislation regarding finance, and the 2494
president of the senate shall transmit copies of the report to the 2495
chairpersons of the standing committees of the senate that 2496
customarily consider legislation regarding finance. The report 2497
shall set forth the SaveNOW linked deposits made by the treasurer 2498
of state under the program during the year and shall include a 2499

list of eligible savings institutions and the number of SaveNOW 2500
savings accounts at each of those institutions during the 2501
preceding year. 2502

Sec. 135.106. The state and the treasurer of state are not 2503
liable to any eligible savings institution or any eligible 2504
resident in any manner for the terms associated with SaveNOW 2505
savings accounts. Any misuse or misconduct on the part of an 2506
eligible savings institution or eligible resident does not in any 2507
manner affect the deposit agreement between the eligible savings 2508
institution and the treasurer of state. 2509

Sec. 135.61. As used in sections 135.61 to 135.67 of the 2510
Revised Code: 2511

(A) "Eligible small business" means any person, including, 2512
but not limited to a person engaged in agriculture, that has all 2513
of the following characteristics: 2514

(1) Is headquartered in this state; 2515

(2) Maintains offices and operating facilities exclusively in 2516
this state and transacts business in this state; 2517

(3) Employs fewer than one hundred fifty employees, the 2518
majority of whom are residents of this state; 2519

(4) Is organized for profit. 2520

(B) "Eligible lending institution" means a financial 2521
institution that is eligible to make commercial loans, is a public 2522
depository of state funds under section 135.03 of the Revised 2523
Code, and agrees to participate in the linked deposit program. 2524

(C) "Linked deposit" means a certificate of deposit placed by 2525
the treasurer of state with an eligible lending institution at ~~up~~ 2526
~~to three per cent~~ a rate below current market rates, as determined 2527
and calculated by the treasurer of state, provided the institution 2528

agrees to lend the value of such deposit, according to the deposit 2529
agreement provided in division (C) of section 135.65 of the 2530
Revised Code, to eligible small businesses at ~~three per cent~~ a 2531
rate that reflects an equal percentage rate reduction below the 2532
present borrowing rate applicable to each specific business at the 2533
time of the deposit of state funds in the institution. 2534

Sec. 135.63. The treasurer of state may invest in linked 2535
deposits under sections 135.61 to 135.67, agricultural linked 2536
deposits under sections 135.71 to 135.76, housing linked deposits 2537
under sections 135.81 to 135.87, ~~and~~ assistive technology device 2538
linked deposits under sections 135.91 to 135.97, and SaveNOW 2539
linked deposits under sections 135.101 to 135.106 of the Revised 2540
Code, provided that at the time of placement of any such linked 2541
deposit ~~under sections 135.61 to 135.67 of the Revised Code,~~ 2542
~~agricultural linked deposit, housing linked deposit, or assistive~~ 2543
~~technology device linked deposit,~~ the combined amount of 2544
investments in ~~the linked deposits, agricultural linked deposits,~~ 2545
~~housing linked deposits, and assistive technology device~~ all such 2546
linked deposits is not more than twelve per cent of the state's 2547
total average investment portfolio as determined by the treasurer 2548
of state. When deciding whether to invest in ~~the linked deposits,~~ 2549
~~agricultural linked deposits, housing linked deposits, or~~ 2550
~~assistive technology device~~ any such linked deposits, the 2551
treasurer of state shall give priority to the investment, 2552
liquidity, and cash flow needs of the state. 2553

Sec. 135.65. (A) The treasurer of state may accept or reject 2554
a linked deposit loan package or any portion thereof, based on the 2555
treasurer's evaluation of the eligible small businesses included 2556
in the package and the amount of state funds to be deposited. When 2557
evaluating the eligible small businesses, the treasurer shall give 2558
priority to the economic needs of the area where the business is 2559

located and the ratio of state funds to be deposited to jobs 2560
sustained or created and shall also consider any reports, 2561
statements, or plans applicable to the business, the overall 2562
financial need of the business, and such other factors as the 2563
treasurer considers appropriate. 2564

(B) Upon acceptance of the linked deposit loan package or any 2565
portion thereof, the treasurer of state may place certificates of 2566
deposit with the eligible lending institution at ~~three per cent~~ a 2567
rate below current market rates, as determined and calculated by 2568
the treasurer of state. When necessary, the treasurer may place 2569
certificates of deposit prior to acceptance of a linked deposit 2570
loan package. 2571

(C) The eligible lending institution shall enter into a 2572
deposit agreement with the treasurer of state, which shall include 2573
requirements necessary to carry out the purposes of sections 2574
135.61 to 135.67 of the Revised Code. Such requirements shall 2575
reflect the market conditions prevailing in the eligible lending 2576
institution's lending area. The agreement may include a 2577
specification of the period of time in which the lending 2578
institution is to lend funds upon the placement of a linked 2579
deposit, and shall include provisions for the certificates of 2580
deposit to be placed for any maturity considered appropriate by 2581
the treasurer of state not to exceed two years, and may be renewed 2582
for up to an additional two years at the option of the treasurer. 2583
Interest shall be paid at the times determined by the treasurer of 2584
state. 2585

(D) Eligible lending institutions shall comply fully with 2586
Chapter 135. of the Revised Code. 2587

Sec. 135.66. (A) Upon the placement of a linked deposit with 2588
an eligible lending institution, such institution is required to 2589
lend such funds to each approved eligible small business listed in 2590

the linked deposit loan package required by division (D) of 2591
section 135.64 of the Revised Code and in accordance with the 2592
deposit agreement required by division (C) of section 135.65 of 2593
the Revised Code. The loan shall be at ~~three per cent~~ a rate that 2594
reflects a percentage rate reduction below the present borrowing 2595
rate applicable to each business that is equal to the percentage 2596
rate reduction below market rates at which the certificate of 2597
deposits that constitute the linked deposit were placed. A 2598
certification of compliance with this section in the form and 2599
manner as prescribed by the treasurer of state shall be required 2600
of the eligible lending institution. 2601

(B) The treasurer of state shall take any and all steps 2602
necessary to implement the linked deposit program and monitor 2603
compliance of eligible lending institutions and eligible small 2604
businesses, including the development of guidelines as necessary. 2605
The treasurer of state and the department of development shall 2606
notify each other at least quarterly of the names of the 2607
businesses receiving financial assistance from their respective 2608
programs. 2609

Annually, by the first day of February, the treasurer of 2610
state shall report on the linked deposits program for the 2611
preceding calendar year to the governor, the speaker of the house 2612
of representatives, and the president of the senate. The speaker 2613
of the house shall transmit copies of this report to the ~~chairmen~~ 2614
chairpersons of the standing committees in the house which 2615
customarily consider legislation regarding agriculture and small 2616
business, and the president of the senate shall transmit copies of 2617
this report to the ~~chairmen~~ chairpersons of the standing 2618
committees in the senate which customarily consider legislation 2619
regarding agriculture and small business. The report shall set 2620
forth the linked deposits made by the treasurer of state under the 2621
program during the year and shall include information regarding 2622

the nature, terms, and amounts of the loans upon which the linked 2623
deposits were based and the eligible small businesses to which the 2624
loans were made. 2625

Sec. 145.47. (A) Each public employee who is a contributor to 2626
the public employees retirement system shall contribute eight per 2627
cent of the contributor's earnable salary to the employees' 2628
savings fund, except that the public employees retirement board 2629
may raise the contribution rate to a rate not greater than ten per 2630
cent of the employee's earnable salary. 2631

(B) The head of each state department, institution, board, 2632
and commission, and the fiscal officer of each local authority 2633
subject to this chapter, shall deduct from the earnable salary of 2634
each contributor on every payroll of such contributor for each 2635
payroll period subsequent to the date of coverage, an amount equal 2636
to the applicable per cent of the contributor's earnable salary. 2637
The head of each state department and the fiscal officer of each 2638
local authority subject to this chapter shall transmit promptly to 2639
the system a report of contributions at such intervals and in such 2640
form as the system shall require, showing thereon all deductions 2641
for the system made from the earnable salary of each contributor 2642
employed, together with warrants ~~or~~, checks, or electronic 2643
payments covering the total of such deductions. A penalty ~~of five~~ 2644
~~per cent of the total amount due for the particular reporting~~ 2645
~~period~~ shall be added when such report, together with warrants ~~or~~, 2646
checks, or electronic payments to cover the total amount due from 2647
the earnable salary of all amenable employees of such employer, is 2648
filed thirty or more days after the last day of such reporting 2649
period. ~~Such~~ The system, after making a record of all receipts 2650
under this division, shall deposit the receipts with the treasurer 2651
of state for use as provided by this chapter. 2652

(C) Unless the board adopts a rule under division (D) of this 2653

section, the penalty described in division (B) of this section for 2654
failing to timely transmit a report, pay the total amount due, or 2655
both is as follows: 2656

(1) At least one but not more than ten days past due, an 2657
amount equal to one per cent of the total amount due; 2658

(2) At least eleven but not more than thirty days past due, 2659
an amount equal to two and one-half per cent of the total amount 2660
due; 2661

(3) Thirty-one or more days past due, an amount equal to five 2662
per cent of the total amount due. 2663

The penalty described in this division shall be added to and 2664
collected on the next succeeding regular employer billing. 2665
Interest at a rate set by the retirement board shall be charged on 2666
the amount of the penalty in case such penalty is not paid within 2667
~~three months~~ thirty days after it is added to the regular employer 2668
billing. ~~The system, after making a record of all such receipts,~~ 2669
~~shall deposit them with the treasurer of state for use as provided~~ 2670
~~by this chapter. In~~ 2671

(D) The board may adopt rules to establish penalties in 2672
amounts that do not exceed the amounts specified in divisions 2673
(C)(1) to (3) of this section. 2674

(E) In addition to the periodical reports of deduction 2675
required by this section, the fiscal officer of each local 2676
authority subject to this chapter shall submit to the system at 2677
least once each year a complete listing of all noncontributing 2678
appointive employees. Where an employer fails to transmit 2679
contributions to the system, the system may make a determination 2680
of the employees' liability for contributions and certify to the 2681
employer the amounts due for collection in the same manner as 2682
payments due the employers' accumulation fund. Any amounts so 2683
collected shall be held in trust pending receipt of a report of 2684

contributions for such public employees for the period involved as 2685
provided by law and, thereafter, the amount in trust shall be 2686
transferred to the employees' savings fund to the credit of the 2687
employees. Any amount remaining after the transfer to the 2688
employees' savings fund shall be transferred to the employers' 2689
accumulation fund as a credit of such employer. ~~The~~ 2690

(F) The fiscal officer of each local authority subject to 2691
this chapter shall require each new contributor to submit to the 2692
system a detailed report of all the contributor's previous service 2693
as a public employee along with such other facts as the board 2694
requires for the proper operation of the system. 2695

(G) Any member who, because of the member's own illness, 2696
injury, or other reason which may be approved by the member's 2697
employer is prevented from making the member's contribution to the 2698
system for any payroll period, may pay such deductions as a back 2699
payment within one year. 2700

Sec. 149.30. The Ohio historical society, chartered by this 2701
state as a corporation not for profit to promote a knowledge of 2702
history and archaeology, especially of Ohio, and operated 2703
continuously in the public interest since 1885, may perform public 2704
functions as prescribed by law. 2705

The general assembly may appropriate money to the Ohio 2706
historical society each biennium to carry out the public functions 2707
of the society as enumerated in this section. An appropriation by 2708
the general assembly to the society constitutes an offer to 2709
contract with the society to carry out those public functions for 2710
which appropriations are made. An acceptance by the society of the 2711
appropriated funds constitutes an acceptance by the society of the 2712
offer and is considered an agreement by the society to perform 2713
those functions in accordance with the terms of the appropriation 2714
and the law and to expend the funds only for the purposes for 2715

which appropriated. The governor may request on behalf of the 2716
society, and the controlling board may release, additional funds 2717
to the society for survey, salvage, repair, or rehabilitation of 2718
an emergency nature for which funds have not been appropriated, 2719
and acceptance by the society of those funds constitutes an 2720
agreement on the part of the society to expend those funds only 2721
for the purpose for which released by the controlling board. 2722

The society shall faithfully expend and apply all moneys 2723
received from the state to the uses and purposes directed by law 2724
and for necessary administrative expenses. If the general assembly 2725
appropriates money to the society for grants or subsidies to other 2726
entities for their site-related programs, the society, except for 2727
good cause, shall distribute the money within ninety days of 2728
accepting a grant or subsidy application for the money. 2729

The society shall perform the public function of sending 2730
notice by certified mail to the owner of any property at the time 2731
it is listed on the national register of historic places. The 2732
society shall accurately record all expenditures of such funds in 2733
conformity with generally accepted accounting principles. 2734

The auditor of state shall audit all funds and fiscal records 2735
of the society. 2736

The public functions to be performed by the Ohio historical 2737
society shall include all of the following: 2738

(A) Creating, supervising, operating, protecting, 2739
maintaining, and promoting for public use a system of state 2740
memorials, titles to which may reside wholly or in part with this 2741
state or wholly or in part with the society as provided in and in 2742
conformity to appropriate acts and resolves of the general 2743
assembly, and leasing for renewable periods of two years or less, 2744
with the advice and consent of the attorney general and the 2745
director of administrative services, lands and buildings owned by 2746

the state which are in the care, custody, and control of the 2747
society, all of which shall be maintained and kept for public use 2748
at reasonable hours; 2749

(B) Making alterations and improvements, marking, and 2750
constructing, reconstructing, protecting, or restoring structures, 2751
earthworks, and monuments in its care, and equipping such 2752
facilities with appropriate educational maintenance facilities; 2753

(C) Serving as the archives administration for the state and 2754
its political subdivisions as provided in sections 149.31 to 2755
149.42 of the Revised Code; 2756

(D) Administering a state historical museum, to be the 2757
headquarters of the society and its principal museum and library, 2758
which shall be maintained and kept for public use at reasonable 2759
hours; 2760

(E) Establishing a marking system to identify all designated 2761
historic and archaeological sites within the state and marking or 2762
causing to be marked historic sites and communities considered by 2763
the society to be historically or archaeologically significant; 2764

(F) Publishing books, pamphlets, periodicals, and other 2765
publications about history, archaeology, and natural science and 2766
offering one copy of each regular periodical issue to all public 2767
libraries in this state at a reasonable price, which shall not 2768
exceed one hundred ten per cent more than the total cost of 2769
publication; 2770

(G) Engaging in research in history, archaeology, and natural 2771
science and providing historical information upon request to all 2772
state agencies; 2773

(H) Collecting, preserving, and making available by all 2774
appropriate means and under approved safeguards all manuscript, 2775
print, or near-print library collections and all historical 2776
objects, specimens, and artifacts which pertain to the history of 2777

Ohio and its people, including the following original documents:	2778
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed	2779
Ohio Constitution of 1875; design and the letters of patent and	2780
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R.	2781
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883);	2782
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28	2783
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904);	2784
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition	2785
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40	2786
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933);	2787
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936);	2788
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6	2789
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48	2790
(1947);	2791
(I) Encouraging and promoting the organization and	2792
development of county and local historical societies;	2793
(J) Providing to Ohio schools such materials as the society	2794
may prepare to facilitate the instruction of Ohio history at a	2795
reasonable price, which shall not exceed one hundred ten per cent	2796
more than the total cost of preparation and delivery;	2797
(K) Providing advisory and technical assistance to local	2798
societies for the preservation and restoration of historic and	2799
archaeological sites;	2800
(L) Devising uniform criteria for the designation of historic	2801
and archaeological sites throughout the state and advising local	2802
historical societies of the criteria and their application;	2803
(M) Taking inventory, in cooperation with the Ohio arts	2804
council, the Ohio archaeological council, and the archaeological	2805
society of Ohio, of significant designated and undesignated state	2806
and local sites and keeping an active registry of all designated	2807
sites within the state;	2808

(N) Contracting with the owners or persons having an interest 2809
in designated historic or archaeological sites or property 2810
adjacent or contiguous to those sites, or acquiring, by purchase, 2811
gift, or devise, easements in those sites or in property adjacent 2812
or contiguous to those sites, in order to control or restrict the 2813
use of those historic or archaeological sites or adjacent or 2814
contiguous property for the purpose of restoring or preserving the 2815
historical or archaeological significance or educational value of 2816
those sites; 2817

(O) Constructing a monument honoring Governor James A. 2818
Rhodes, which shall stand on the northeast quadrant of the grounds 2819
surrounding the capitol building. The monument shall be 2820
constructed with private funds donated to the Ohio historical 2821
society and designated for this purpose. No public funds shall be 2822
expended to construct this monument. The department of 2823
administrative services shall cooperate with the Ohio historical 2824
society in carrying out this function and shall maintain the 2825
monument in a manner compatible with the grounds of the capitol 2826
building. 2827

(P) Commissioning a portrait of each departing governor, 2828
which shall be displayed in the capitol building. The Ohio 2829
historical society may accept private contributions designated for 2830
this purpose and, at the discretion of its board of trustees, also 2831
may apply for the same purpose funds appropriated by the general 2832
assembly to the society pursuant to this section. 2833

~~(Q) Planning and developing a center at the capitol building 2834
for the purpose of educating visitors about the history of Ohio, 2835
including its political, economic, and social development and the 2836
design and erection of the capitol building and its grounds. The 2837
Ohio historical society may accept contributions of private moneys 2838
and in kind services designated for this purpose and may, at the 2839
discretion of its board of trustees, also apply, for the same 2840~~

~~purpose, personnel and other resources paid in whole or in part by
its state subsidy.~~ 2841
2842

(R) Submitting an annual report of its activities, programs, 2843
and operations to the governor within two months after the close 2844
of each fiscal year of the state. 2845

The society shall not sell, mortgage, transfer, or dispose of 2846
historical or archaeological sites to which it has title and in 2847
which the state has monetary interest except by action of the 2848
general assembly. 2849

In consideration of the public functions performed by the 2850
Ohio historical society for the state, employees of the society 2851
shall be considered public employees within the meaning of section 2852
145.01 of the Revised Code. 2853

Sec. 156.02. The director of administrative services may 2854
contract with ~~the office of energy efficiency in the department of~~ 2855
~~development~~ an energy services company, contractor, architect, 2856
professional engineer, or other person experienced in the design 2857
and implementation of energy conservation measures for a report 2858
containing an analysis and recommendations pertaining to the 2859
implementation of energy conservation measures that would 2860
significantly reduce energy consumption and operating costs in any 2861
buildings owned by the state and, upon request of its board of 2862
trustees or managing authority, any building owned by an 2863
institution of higher education as defined in section 3345.12 of 2864
the Revised Code. The report shall include estimates of all costs 2865
of such measures, including the costs of design, engineering, 2866
installation, maintenance, repairs, and debt service, and 2867
estimates of the amounts by which energy consumption and operating 2868
costs would be reduced. 2869

Sec. 165.01. As used in this chapter: 2870

(A) "Agency" means a community improvement corporation 2871
organized under Chapter 1724. of the Revised Code and designated, 2872
pursuant to section 1724.10 of the Revised Code, as the agency of 2873
a municipal corporation or county. 2874

(B) "Bonds" means bonds, notes, or other forms of evidences 2875
of obligation issued in temporary or definitive form, including 2876
notes issued in anticipation of the issuance of bonds and renewal 2877
notes. The funding of bond anticipation notes with bonds or 2878
renewal notes and the exchange of definitive bonds for temporary 2879
bonds are not subject to section 165.07 of the Revised Code. 2880

(C) "Bond proceedings" means the resolution or ordinance or 2881
the trust agreement or indenture of mortgage, or combination 2882
thereof, authorizing or providing for the terms and conditions 2883
applicable to bonds issued under authority of this chapter. 2884

(D) "Issuer" means the state, or a county or municipal 2885
corporation of this state which county or municipal corporation 2886
has, pursuant to section 1724.10 of the Revised Code, designated a 2887
community improvement corporation as its agency for industrial, 2888
commercial, distribution, and research development and for which a 2889
plan has been prepared by such community improvement corporation 2890
and confirmed by its issuing authority. 2891

(E) "Issuing authority" means in the case of the state, the 2892
director of development; in the case of a municipal corporation, 2893
the legislative authority thereof; and in the case of a county, 2894
the board of county commissioners or whatever officers, board, 2895
commission, council, or other body might succeed to the 2896
legislative powers of the commissioners. 2897

(F) "Plan" means a plan prepared by the agency pursuant to 2898
section 1724.10 of the Revised Code, and confirmed by the issuing 2899
authority of a municipal corporation or county. 2900

(G) "Pledged facilities" means the project or projects 2901

mortgaged or the rentals, revenues, and other income, charges, and 2902
moneys from which are pledged, or both, for the payment of the 2903
principal of and interest on the bonds issued under authority of 2904
section 165.03 of the Revised Code, and includes a project for 2905
which a loan has been made under authority of this chapter, in 2906
which case, references in this chapter to revenues of such pledged 2907
facilities or from the disposition thereof includes payments made 2908
or to be made to or for the account of the issuer pursuant to such 2909
loan. 2910

(H) "Project" means real or personal property, or both, 2911
including undivided and other interests therein, acquired by gift 2912
or purchase, constructed, reconstructed, enlarged, improved, 2913
furnished, or equipped, or any combination thereof, by an issuer, 2914
or by others in whole or in part from the proceeds of a loan made 2915
by an issuer, for industry, commerce, distribution, or research 2916
and located within the boundaries of the issuer. "Project" 2917
includes sanitary facilities, drainage facilities, and prevention 2918
or replacement facilities as defined in section 6117.01 of the 2919
Revised Code. A project as defined in this division is hereby 2920
determined to qualify as facilities described in Section 13 of 2921
Article VIII, Ohio Constitution. 2922

(I) "Revenues" means the rentals, revenues, payments, 2923
repayments, income, charges, and moneys derived or to be derived 2924
from the use, lease, sublease, rental, sale, including installment 2925
sale or conditional sale, or other disposition of pledged 2926
facilities, or derived or to be derived pursuant to a loan made 2927
for a project, bond proceeds to the extent provided in the bond 2928
proceedings for the payment of principal of, or premium, if any, 2929
or interest on the bonds, proceeds from any insurance, 2930
condemnation or guaranty pertaining to pledged facilities or the 2931
financing thereof, and income and profit from the investment of 2932
the proceeds of bonds or of any revenues. 2933

(J) "Security interest" means a mortgage, lien, or other encumbrance on, or pledge or assignment of, or other security interest with respect to all or any part of pledged facilities, revenues, reserve funds, or other funds established under the bond proceedings, or on, of, or with respect to, a lease, sublease, sale, conditional sale or installment sale agreement, loan agreement, or any other agreement pertaining to the lease, sublease, sale, or other disposition of a project or pertaining to a loan made for a project, or any guaranty or insurance agreement made with respect thereto, or any interest of the issuer therein, or any other interest granted, assigned, or released to secure payments of the principal of, premium, if any, or interest on any bonds or to secure any other payments to be made by an issuer under the bond proceedings. Any security interest under this chapter may be prior or subordinate to or on a parity with any other mortgage, lien, encumbrance, pledge, assignment, or other security interest.

Sec. 165.03. (A) An issuer may issue bonds for the purpose of providing moneys to acquire by purchase, construct, reconstruct, enlarge, improve, furnish, or equip one or more projects or parts thereof, or for any combination of such purposes, including providing moneys to make loans to others for such purposes. The issuing authority shall provide by resolution or ordinance for the issuance of such bonds. The bond proceedings may contain determinations by the issuing authority that the project to be financed thereunder is a project as defined in this chapter and is consistent with the purposes of Section 13 of Article VIII, Ohio Constitution, and such determinations shall be conclusive as to the validity and enforceability of the bonds issued under such bond proceedings and of such bond proceedings and security interests given and leases, subleases, sale agreements, loan agreements, and other agreements made in connection therewith, all

in accordance with their terms. 2966

The principal of and interest on the bonds and all other 2967
payments required to be made by the bond proceedings shall be 2968
payable solely from the revenues and secured by security interests 2969
as provided in such bond proceedings. Bond anticipation notes may 2970
be secured, solely or additionally, by a covenant of the issuer 2971
that it will do all things necessary for the issuance of the bonds 2972
anticipated or renewal notes in appropriate amount and either 2973
exchange such bonds or renewal notes for such notes or apply the 2974
proceeds therefrom to the extent necessary to make full payment of 2975
the principal of and interest on such notes. The bond proceedings 2976
shall not obligate or pledge moneys raised by taxation. 2977

Bonds may be issued at one time or from time to time, shall 2978
be dated, shall mature at such time or times not exceeding thirty 2979
years from date of issue, and may be redeemable before maturity at 2980
such price or prices and under such terms and conditions, all as 2981
provided in the bond proceedings. The bonds shall bear interest at 2982
such rate or rates, or at a variable rate or rates changing from 2983
time to time in accordance with a base or formula, as provided in 2984
or authorized by the bond proceedings. The issuing authority shall 2985
determine the form of the bonds, fix their denominations and 2986
method of execution, and establish within or without the state a 2987
place or places for the payment of principal or interest. 2988

(B) The issuing authority may provide for sales of bonds at 2989
public or private sale as it deems most advantageous and for such 2990
prices, whether above or below the par value thereof, as it 2991
determines or within such limit or limits as it determines. 2992

(C) If the issuer is a county or municipal corporation, then, 2993
prior to the delivery of bonds issued under authority of this 2994
section, the issuing authority shall first have received from its 2995
agency a certification that a project to be financed by the 2996
issuance of such bonds is in accordance with the plan, except that 2997

no such certification is necessary if the project is a sanitary facility, drainage facility, or prevention or replacement facility as defined in section 6117.01 of the Revised Code. If the state is the issuer, then prior to the authorization of the bonds, the issuing authority of the state shall have received a written request for the issuance of the bonds from either the board of directors of a port authority created pursuant to the authority of section 4582.02 of the Revised Code if the project is within the jurisdiction of the port authority or from the issuing authority of the municipal corporation, if the project is within the boundaries of a municipal corporation, or of the county, if the project is within the unincorporated portion of the county, and if the project is to be located within a municipal corporation with a plan or in an unincorporated portion of the county with a plan, then prior to the delivery of bonds issued under this section, the issuing authority shall first have received from the agency of the municipal corporation if within its limits, or from the agency of the county if in unincorporated territory, a certification that such project is in accordance with its plan, except that no such certification is necessary if the request for issuance of the bonds is made by the port authority.

(D) If the issuer is a county or municipal corporation, then, prior to the delivery of bonds issued under authority of this section, the issuing authority shall have caused a written notice to have been mailed by certified mail to the director of the department of development of the state advising such director of the proposed delivery of the bonds, the amount thereof, the proposed lessee, and a general description of the project or projects to be financed.

(E) In case any officer who has signed any bonds or coupons pertaining thereto, or caused ~~his~~ the officer's facsimile signature to be affixed thereto, ceases to be such officer before

such bonds or coupons have been delivered, such bonds or coupons 3030
may, nevertheless, be issued and delivered as though the person 3031
who had signed the bonds or coupons or caused ~~his~~ the person's 3032
facsimile signature to be affixed thereto had not ceased to be 3033
such officer. Any bonds or coupons may be executed on behalf of 3034
the issuer by an officer who, on the date of execution, is the 3035
proper officer although on the date of such bonds or coupons such 3036
person was not the proper officer. 3037

(F) All bonds issued under authority of this chapter, 3038
regardless of form or terms and regardless of any other law to the 3039
contrary, shall have all qualities and incidents of negotiable 3040
instruments, subject to provisions for registration, and may be 3041
issued in coupon, fully registered, or other form, or any 3042
combination thereof, as the issuing authority determines. 3043
Provision may be made for the registration of any coupon bonds as 3044
to principal alone or as to both principal and interest, and for 3045
the conversion into coupon bonds of any fully registered bonds or 3046
bonds registered as to both principal and interest. 3047

Sec. 303.12. (A)(1) Amendments to the zoning resolution may 3048
be initiated by motion of the county rural zoning commission, by 3049
the passage of a resolution by the board of county commissioners, 3050
or by the filing of an application by one or more of the owners or 3051
lessees of property within the area proposed to be changed or 3052
affected by the proposed amendment with the county rural zoning 3053
commission. The board of county commissioners may require that the 3054
owner or lessee of property filing an application to amend the 3055
zoning resolution pay a fee to defray the cost of advertising, 3056
mailing, filing with the county recorder, and other expenses. If 3057
the board of county commissioners requires such a fee, it shall be 3058
required generally, for each application. The board of county 3059
commissioners, upon the passage of such a resolution, shall 3060
certify it to the county rural zoning commission. 3061

(2) Upon the adoption of a motion by the county rural zoning commission, the certification of a resolution by the board of county commissioners to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of adoption of such a motion, the date of the certification of such a resolution, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in each township affected by the proposed amendment at least ten days before the date of the hearing.

(B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the county rural zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

(C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the county rural zoning commission that will be conducting the hearing;

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;

(3) A list of the addresses of all properties to be rezoned 3094
or redistricted by the proposed amendment and of the names of 3095
owners of these properties, as they appear on the county auditor's 3096
current tax list; 3097

(4) The present zoning classification of property named in 3098
the proposed amendment and the proposed zoning classification of 3099
that property; 3100

(5) The time and place where the motion, resolution, or 3101
application proposing to amend the zoning resolution will be 3102
available for examination for a period of at least ten days prior 3103
to the hearing; 3104

(6) The name of the person responsible for giving notice of 3105
the public hearing by publication, by mail, or by both publication 3106
and mail; 3107

(7) A statement that, after the conclusion of the hearing, 3108
the matter will be submitted to the board of county commissioners 3109
for its action; 3110

(8) Any other information requested by the commission. 3111

(D) If the proposed amendment alters the text of the zoning 3112
resolution, or rezones or redistricts more than ten parcels of 3113
land as listed on the county auditor's current tax list, the 3114
published notice shall set forth the time, date, and place of the 3115
public hearing and include all of the following: 3116

(1) The name of the county rural zoning commission that will 3117
be conducting the hearing on the proposed amendment; 3118

(2) A statement indicating that the motion, application, or 3119
resolution is an amendment to the zoning resolution; 3120

(3) The time and place where the text and maps of the 3121
proposed amendment will be available for examination for a period 3122
of at least ten days prior to the hearing; 3123

(4) The name of the person responsible for giving notice of 3124
the hearing by publication; 3125

(5) A statement that, after the conclusion of the hearing, 3126
the matter will be submitted to the board of county commissioners 3127
for its action; 3128

(6) Any other information requested by the commission. 3129

Hearings shall be held in the county court house or in a 3130
public place designated by the commission. 3131

(E) Within five days after the adoption of the motion 3132
described in division (A) of this section, the certification of 3133
the resolution described in division (A) of this section, or the 3134
filing of the application described in division (A) of this 3135
section, the county rural zoning commission shall transmit a copy 3136
of it together with text and map pertaining to it to the county or 3137
regional planning commission, if there is such a commission. 3138

The county or regional planning commission shall recommend 3139
the approval or denial of the proposed amendment or the approval 3140
of some modification of it and shall submit its recommendation to 3141
the county rural zoning commission. The recommendation shall be 3142
considered at the public hearing held by the county rural zoning 3143
commission on the proposed amendment. 3144

The county rural zoning commission, within thirty days after 3145
the hearing, shall recommend the approval or denial of the 3146
proposed amendment, or the approval of some modification of it, 3147
and shall submit that recommendation together with the motion, 3148
application, or resolution involved, the text and map pertaining 3149
to the proposed amendment, and the recommendation of the county or 3150
regional planning commission on it to the board of county 3151
commissioners. 3152

The board of county commissioners, upon receipt of that 3153
recommendation, shall set a time for a public hearing on the 3154

proposed amendment, which date shall be not more than thirty days 3155
from the date of the receipt of that recommendation. Notice of the 3156
hearing shall be given by the board by one publication in one or 3157
more newspapers of general circulation in the county, at least ten 3158
days before the date of the hearing. 3159

(F) If the proposed amendment intends to rezone or redistrict 3160
ten or fewer parcels of land as listed on the county auditor's 3161
current tax list, the published notice shall set forth the time, 3162
date, and place of the public hearing and include all of the 3163
following: 3164

(1) The name of the board of county commissioners that will 3165
be conducting the hearing; 3166

(2) A statement indicating that the motion, application, or 3167
resolution is an amendment to the zoning resolution; 3168

(3) A list of the addresses of all properties to be rezoned 3169
or redistricted by the proposed amendment and of the names of 3170
owners of those properties, as they appear on the county auditor's 3171
current tax list; 3172

(4) The present zoning classification of property named in 3173
the proposed amendment and the proposed zoning classification of 3174
that property; 3175

(5) The time and place where the motion, application, or 3176
resolution proposing to amend the zoning resolution will be 3177
available for examination for a period of at least ten days prior 3178
to the hearing; 3179

(6) The name of the person responsible for giving notice of 3180
the hearing by publication, by mail, or by both publication and 3181
mail; 3182

(7) Any other information requested by the board. 3183

(G) If the proposed amendment alters the text of the zoning 3184

resolution, or rezones or redistricts more than ten parcels of 3185
land as listed on the county auditor's current tax list, the 3186
published notice shall set forth the time, date, and place of the 3187
public hearing and include all of the following: 3188

(1) The name of the board of county commissioners that will 3189
be conducting the hearing on the proposed amendment; 3190

(2) A statement indicating that the motion, application, or 3191
resolution is an amendment to the zoning resolution; 3192

(3) The time and place where the text and maps of the 3193
proposed amendment will be available for examination for a period 3194
of at least ten days prior to the hearing; 3195

(4) The name of the person responsible for giving notice of 3196
the hearing by publication; 3197

(5) Any other information requested by the board. 3198

(H) Within twenty days after its public hearing, the board of 3199
county commissioners shall either adopt or deny the recommendation 3200
of the county rural zoning commission or adopt some modification 3201
of it. If the board denies or modifies the commission's 3202
recommendation, ~~the unanimous~~ a majority vote of the board shall 3203
be required. 3204

The proposed amendment, if adopted by the board, shall become 3205
effective in thirty days after the date of its adoption, unless, 3206
within thirty days after the adoption, there is presented to the 3207
board of county commissioners a petition, signed by a number of 3208
qualified voters residing in the unincorporated area of the 3209
township or part of that unincorporated area included in the 3210
zoning plan equal to not less than eight per cent of the total 3211
vote cast for all candidates for governor in that area at the most 3212
recent general election at which a governor was elected, 3213
requesting the board to submit the amendment to the electors of 3214
that area for approval or rejection at a special election to be 3215

held on the day of the next primary or general election. Each part 3216
of this petition shall contain the number and the full and correct 3217
title, if any, of the zoning amendment resolution, motion, or 3218
application, furnishing the name by which the amendment is known 3219
and a brief summary of its contents. In addition to meeting the 3220
requirements of this section, each petition shall be governed by 3221
the rules specified in section 3501.38 of the Revised Code. 3222

The form of a petition calling for a zoning referendum and 3223
the statement of the circulator shall be substantially as follows: 3224

"PETITION FOR ZONING REFERENDUM 3225

(if the proposal is identified by a particular name or number, or 3226
both, these should be inserted here) 3227

A proposal to amend the zoning map of the unincorporated area 3228
of Township, County, Ohio, 3229
adopted (date) (followed by brief summary of 3230
the proposal). 3231

To the Board of County Commissioners of 3232
County, Ohio: 3233

We, the undersigned, being electors residing in the 3234
unincorporated area of Township, included within 3235
the County Zoning Plan, equal to not less than 3236
eight per cent of the total vote cast for all candidates for 3237
governor in the area at the preceding general election at which a 3238
governor was elected, request the Board of County Commissioners to 3239
submit this amendment of the zoning resolution to the electors of 3240
..... Township residing within the unincorporated area of 3241
the township included in the County Zoning 3242
Resolution, for approval or rejection at a special election to be 3243
held on the day of the next primary or general election to be held 3244
on(date)....., pursuant to section 303.12 of the 3245
Revised Code. 3246

Street Address	Date of	3247
Signature or R.F.D. Township Precinct County	Signing	3248
.....		3249
.....		3250
STATEMENT OF CIRCULATOR		3251
I, .....(name of circulator).....,		3252
declare under penalty of election falsification that I am an		3253
elector of the state of Ohio and reside at the address appearing		3254
below my signature; that I am the circulator of the foregoing part		3255
petition containing .....(number)..... signatures; that I have		3256
witnessed the affixing of every signature; that all signers were		3257
to the best of my knowledge and belief qualified to sign; and that		3258
every signature is to the best of my knowledge and belief the		3259
signature of the person whose signature it purports to be or of an		3260
attorney in fact acting pursuant to section 3501.382 of the		3261
Revised Code.		3262
.....		3263
(Signature of circulator)		3264
.....		3265
(Address of circulator's permanent		3266
residence in this state)		3267
.....		3268
(City, village, or township,		3269
and zip code)		3270
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY		3271
OF THE FIFTH DEGREE."		3272
No amendment for which such a referendum vote has been		3273
requested shall be put into effect unless a majority of the vote		3274
cast on the issue is in favor of the amendment. Upon certification		3275
by the board of elections that the amendment has been approved by		3276
the voters, it shall take immediate effect.		3277

Within five working days after an amendment's effective date, 3278
the board of county commissioners shall file the text and maps of 3279
the amendment in the office of the county recorder and with the 3280
regional or county planning commission, if one exists. 3281

The failure to file any amendment, or any text and maps, or 3282
duplicates of any of these documents, with the office of the 3283
county recorder or the county or regional planning commission as 3284
required by this section does not invalidate the amendment and is 3285
not grounds for an appeal of any decision of the board of zoning 3286
appeals. 3287

Sec. 303.211. (A) Except as otherwise provided in division 3288
(B) or (C) of this section, sections 303.01 to 303.25 of the 3289
Revised Code do not confer any power on any board of county 3290
commissioners or board of zoning appeals in respect to the 3291
location, erection, construction, reconstruction, change, 3292
alteration, maintenance, removal, use, or enlargement of any 3293
buildings or structures of any public utility or railroad, whether 3294
publicly or privately owned, or the use of land by any public 3295
utility or railroad for the operation of its business. As used in 3296
this division, "public utility" does not include a person that 3297
owns or operates a solid waste facility or a solid waste transfer 3298
facility, other than a publicly owned solid waste facility or a 3299
publicly owned solid waste transfer facility, that has been issued 3300
a permit under Chapter 3734. of the Revised Code or a construction 3301
and demolition debris facility that has been issued a permit under 3302
Chapter 3714. of the Revised Code. 3303

(B)(1) As used in this division, "telecommunications tower" 3304
means any free-standing structure, or any structure to be attached 3305
to a building or other structure, that meets all of the following 3306
criteria: 3307

(a) The free-standing or attached structure is proposed to be 3308

constructed on or after October 31, 1996. 3309

(b) The free-standing or attached structure is proposed to be 3310
owned or principally used by a public utility engaged in the 3311
provision of telecommunications services. 3312

(c) The free-standing or attached structure is proposed to be 3313
located in an unincorporated area of a township, in an area zoned 3314
for residential use. 3315

(d)(i) The free-standing structure is proposed to top at a 3316
height that is greater than either the maximum allowable height of 3317
residential structures within the zoned area as set forth in the 3318
applicable zoning regulations, or the maximum allowable height of 3319
such a free-standing structure as set forth in any applicable 3320
zoning regulations in effect immediately prior to October 31, 3321
1996, or as those regulations subsequently are amended. 3322

(ii) The attached structure is proposed to top at a height 3323
that is greater than either the height of the building or other 3324
structure to which it is to be attached, or the maximum allowable 3325
height of such an attached structure as set forth in any 3326
applicable zoning regulations in effect immediately prior to 3327
October 31, 1996, or as those regulations subsequently are 3328
amended. 3329

(e) The free-standing or attached structure is proposed to 3330
have attached to it radio frequency transmission or reception 3331
equipment. 3332

(2) Sections 303.01 to 303.25 of the Revised Code confer 3333
power on a board of county commissioners or board of zoning 3334
appeals with respect to the location, erection, construction, 3335
reconstruction, change, alteration, removal, or enlargement of a 3336
telecommunications tower, but not with respect to the maintenance 3337
or use of such a tower or any change or alteration that would not 3338
substantially increase the tower's height. However, the power so 3339

conferred shall apply to a particular telecommunications tower 3340
only upon the provision of a notice, in accordance with division 3341
(B)(4)(a) of this section, to the person proposing to construct 3342
the tower. 3343

(3) Any person who plans to construct a telecommunications 3344
tower in an area subject to county zoning regulations shall 3345
provide both of the following by certified mail: 3346

(a) Written notice to the board of township trustees of the 3347
township in which the tower is proposed to be constructed and to 3348
each owner of property, as shown on the county auditor's current 3349
tax list, whose land is contiguous to or directly across a street 3350
or roadway from the property on which the tower is proposed to be 3351
constructed, stating all of the following in clear and concise 3352
language: 3353

(i) The person's intent to construct the tower; 3354

(ii) A description of the property sufficient to identify the 3355
proposed location; 3356

(iii) That, no later than fifteen days after the date of 3357
mailing of the notice, such board of township trustees or any such 3358
property owner may give written notice to the board of county 3359
commissioners requesting that sections 303.01 to 303.25 of the 3360
Revised Code apply to the proposed location of the tower as 3361
provided under division (B)(4)(a) of this section. 3362

If the notice to the board of township trustees or to a 3363
property owner is returned unclaimed or refused, the person shall 3364
mail the notice by regular mail. The failure of delivery of the 3365
notice does not invalidate the notice. 3366

(b) Written notice to the board of county commissioners of 3367
the information specified in divisions (B)(3)(a)(i) and (ii) of 3368
this section. The notice to the board also shall include 3369
verification that the person has complied with division (B)(3)(a) 3370

of this section. 3371

(4)(a) If the board of county commissioners receives notice 3372
from the board of township trustees or a property owner under 3373
division (B)(3)(a)(iii) of this section within the time specified 3374
in that division or if a member of the board of county 3375
commissioners makes an objection to the proposed location of the 3376
telecommunications tower within fifteen days after the date of 3377
mailing of the notice sent under division (B)(3)(b) of this 3378
section, the board of county commissioners shall send the person 3379
proposing to construct the tower written notice that the tower is 3380
subject to the power conferred by and in accordance with division 3381
(B)(2) of this section. The notice shall be sent no later than 3382
five days after the earlier of the date the board first receives 3383
such a notice from the board of township trustees or a property 3384
owner or the date upon which a member of the board of county 3385
commissioners makes an objection. Upon the date of mailing of the 3386
notice to the person, sections 303.01 to 303.25 of the Revised 3387
Code shall apply to the tower. 3388

(b) If the board of county commissioners receives no notice 3389
under division (B)(3)(a)(iii) of this section within the time 3390
prescribed by that division or no board member has an objection as 3391
provided under division (B)(4)(a) of this section within the time 3392
prescribed by that division, division (A) of this section shall 3393
apply to the tower without exception. 3394

(C) Sections 303.01 to 303.25 of the Revised Code confer 3395
power on a board of county commissioners or board of zoning 3396
appeals with respect to the location, erection, construction, 3397
reconstruction, change, alteration, maintenance, removal, use, or 3398
enlargement of any buildings or structures of a public utility 3399
engaged in the business of transporting persons or property, or 3400
both, or providing or furnishing such transportation service, over 3401
any public street, road, or highway in this state, and with 3402

respect to the use of land by any such public utility for the 3403
operation of its business, to the extent that any exercise of such 3404
power is reasonable and not inconsistent with Chapters 4901., 3405
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 3406
However, this division confers no power on a board of county 3407
commissioners or board of zoning appeals with respect to a 3408
building or structure of, or the use of land by, a person engaged 3409
in the transportation of farm supplies to the farm or farm 3410
products from farm to market or to food fabricating plants. 3411

(D) Sections 303.01 to 303.25 of the Revised Code confer no 3412
power on any county rural zoning commission, board of county 3413
commissioners, or board of zoning appeals to prohibit the sale or 3414
use of alcoholic beverages in areas where the establishment and 3415
operation of any retail business, hotel, lunchroom, or restaurant 3416
is permitted. 3417

(E)(1) Any person who plans to construct a telecommunications 3418
tower within one hundred feet of a residential dwelling shall 3419
provide a written notice to the owner of the residential dwelling 3420
and to the person occupying the residence, if that person is not 3421
the owner of the residence, stating in clear and concise language 3422
the person's intent to construct the tower and a description of 3423
the property sufficient to identify the proposed location. The 3424
notice shall be sent by certified mail. If the notice is returned 3425
unclaimed or refused, the person shall mail the notice by regular 3426
mail. The failure of delivery does not invalidate the notice. 3427

(2) As used in division (E) of this section: 3428

(a) "Residential dwelling" means a building used or intended 3429
to be used as a personal residence by the owner, part-time owner, 3430
or lessee of the building, or any person authorized by such a 3431
person to use the building as a personal residence. 3432

(b) "Telecommunications tower" has the same meaning as in 3433

division (B)(1) of this section, except that the proposed location 3434
of the free-standing or attached structure may be an area other 3435
than an unincorporated area of a township, in an area zoned for 3436
residential use. 3437

Sec. 303.213. (A) As used in this section, "small wind farm" 3438
means wind turbines and associated facilities that are 3439
interconnected with a medium voltage power collection system and 3440
communications network and are designed for, or capable of, 3441
operation at an aggregate capacity of less than five megawatts. 3442

(B) Notwithstanding division (A) of section 303.211 of the 3443
Revised Code, sections 303.01 to 303.25 of the Revised Code confer 3444
power on a board of county commissioners or board of zoning 3445
appeals to adopt zoning regulations governing the location, 3446
erection, construction, reconstruction, change, alteration, 3447
maintenance, removal, use, or enlargement of any small wind farm, 3448
whether publicly or privately owned, or the use of land for that 3449
purpose, which regulations may be more strict than the regulations 3450
prescribed in rules adopted under division (C)(2) of section 3451
4906.20 of the Revised Code. 3452

(C) The designation under this section of a small wind farm 3453
as a public utility for purposes of sections 303.01 to 303.25 of 3454
the Revised Code shall not affect the classification of a small 3455
wind farm for purposes of state or local taxation. 3456

(D) Nothing in division (C) of this section shall be 3457
construed as affecting the classification of a telecommunications 3458
tower as defined in division (B) or (E) of section 303.211 of the 3459
Revised Code or any other public utility for purposes of state and 3460
local taxation. 3461

Sec. 306.43. (A) The board of trustees of a regional transit 3462
authority or any officer or employee designated by such board may 3463

make any contract for the purchase of goods or services, the cost 3464
of which does not exceed ~~twenty-five~~ one hundred thousand dollars. 3465
When an expenditure, other than for the acquisition of real 3466
estate, the discharge of claims, or the acquisition of goods or 3467
services under the circumstances described in division (H) of this 3468
section, is expected to exceed ~~twenty-five~~ one hundred thousand 3469
dollars, such expenditure shall be made through full and open 3470
competition by the use of competitive procedures. The regional 3471
transit authority shall use the competitive procedure, as set 3472
forth in divisions (B), (C), (D), and (E) of this section, that is 3473
most appropriate under the circumstances of the procurement. 3474

(B) Competitive sealed bidding is the preferred method of 3476
procurement and a regional transit authority shall use that method 3477
if all of the following conditions exist: 3478

(1) A clear, complete and adequate description of the goods, 3479
services, or work is available; 3480

(2) Time permits the solicitation, submission, and evaluation 3481
of sealed bids; 3482

(3) The award will be made on the basis of price and other 3483
price-related factors; 3484

(4) It is not necessary to conduct discussions with 3485
responding offerors about their bids; 3486

(5) There is a reasonable expectation of receiving more than 3487
one sealed bid. 3488

A regional transit authority shall publish a notice calling 3489
for bids once a week for no less than two consecutive weeks in at 3490
least one newspaper of general circulation within the territorial 3491
boundaries of the regional transit authority. A regional transit 3492
authority may require that a bidder for any contract other than a 3493
construction contract provide a bid guaranty in the form, quality, 3494

and amount considered appropriate by the regional transit 3495
authority. The board may let the contract to the lowest responsive 3496
and responsible bidder. Where fewer than two responsive bids are 3497
received, a regional transit authority may negotiate price with 3498
the sole responsive bidder or may rescind the solicitation and 3499
procure under division (H)(2) of this section. 3500

(C) A regional transit authority may use two-step competitive 3501
bidding, consisting of a technical proposal and a separate, 3502
subsequent sealed price bid from those submitting acceptable 3503
technical proposals, if both of the following conditions exist: 3504

(1) A clear, complete, and adequate description of the goods, 3505
services, or work is not available, but definite criteria exist 3506
for the evaluation of technical proposals; 3507

(2) It is necessary to conduct discussions with responding 3508
offerors. 3509

A regional transit authority shall publish a notice calling 3510
for technical proposals once a week for no less than two 3511
consecutive weeks in at least one newspaper of general circulation 3512
within the territorial boundaries of the regional transit 3513
authority. A regional transit authority may require a bid guaranty 3514
in the form, quality, and amount the regional transit authority 3515
considers appropriate. The board may let the contract to the 3516
lowest responsive and responsible bidder. Where fewer than two 3517
responsive and responsible bids are received, a regional transit 3518
authority may negotiate price with the sole responsive and 3519
responsible bidder or may rescind the solicitation and procure 3520
under division (H)(2) of this section. 3521

(D) A regional transit authority shall make a procurement by 3522
competitive proposals if competitive sealed bidding or two-step 3523
competitive bidding is not appropriate. 3524

A regional transit authority shall publish a notice calling 3525

for proposals once a week for no less than two consecutive weeks 3526
in at least one newspaper of general circulation within the 3527
territorial boundaries of the regional transit authority. A 3528
regional transit authority may require a proposal guaranty in the 3529
form, quality, and amount considered appropriate by the regional 3530
transit authority. The board may let the contract to the proposer 3531
making the offer considered most advantageous to the authority. 3532
Where fewer than two competent proposals are received, a regional 3533
transit authority may negotiate price and terms with the sole 3534
proposer or may rescind the solicitation and procure under 3535
division (H)(2) of this section. 3536

(E)(1) A regional transit authority shall procure the 3537
services of an architect or engineer in the manner prescribed by 3538
the "Federal Mass Transportation Act of 1987," Public Law No. 3539
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 1608 3540
and the services of a construction manager in the manner 3541
prescribed by sections 9.33 to 9.332 of the Revised Code. 3542

(2) A regional transit authority may procure revenue rolling 3543
stock in the manner prescribed by division (B), (C), or (D) of 3544
this section. 3545

(3) All contracts for construction in excess of ~~twenty-five~~ 3546
one hundred thousand dollars shall be made only after the regional 3547
transit authority has published a notice calling for bids once a 3548
week for two consecutive weeks in at least one newspaper of 3549
general circulation within the territorial boundaries of the 3550
regional transit authority. The board may award a contract to the 3551
lowest responsive and responsible bidder. Where only one 3552
responsive and responsible bid is received, the regional transit 3553
authority may negotiate price with the sole responsive bidder or 3554
may rescind the solicitation. The regional transit authority shall 3555
award construction contracts in accordance with sections 153.12 to 3556
153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of 3557

this section shall not apply to the award of contracts for construction. 3558
3559

(F) All contracts involving expenditures in excess of 3560
~~twenty-five~~ one hundred thousand dollars shall be in writing and 3561
shall be accompanied by or shall refer to plans and specifications 3562
for the work to be done. The plans and specifications shall at all 3563
times be made and considered part of the contract. For all 3564
contracts other than construction contracts, a regional transit 3565
authority may require performance, payment, or maintenance 3566
guaranties or any combination of such guaranties in the form, 3567
quality, and amount it considers appropriate. The contract shall 3568
be approved by the board and signed on behalf of the regional 3569
transit authority and by the contractor. 3570

(G) In making a contract, a regional transit authority may 3571
give preference to goods produced in the United States in 3572
accordance with the Buy America requirements in the "Surface 3573
Transportation Assistance Act of 1982," Public Law No. 97-424, 3574
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and 3575
the rules adopted thereunder. The regional transit authority also 3576
may give preference to providers of goods produced in and services 3577
provided in labor surplus areas as defined by the United States 3578
department of labor in 41 U.S.C.A. 401 note, Executive Order No. 3579
12073, August 16, 1978, 43 Fed. Reg. 36873, as amended. 3580

(H) Competitive procedures under this section are not 3581
required in any of the following circumstances: 3582

(1) The board of trustees of a regional transit authority, by 3583
a two-thirds affirmative vote of its members, determines that a 3584
real and present emergency exists under any of the following 3585
conditions, and the board enters its determination and the reasons 3586
for it in its proceedings: 3587

(a) Affecting safety, welfare, or the ability to deliver 3588

transportation services; 3589

(b) Arising out of an interruption of contracts essential to 3590
the provision of daily transit services; 3591

(c) Involving actual physical damage to structures, supplies, 3592
equipment, or property. 3593

(2) The purchase consists of goods or services, or any 3594
combination thereof, and after reasonable inquiry the board or any 3595
officer or employee the board designates finds that only one 3596
source of supply is reasonably available. 3597

(3) The expenditure is for a renewal or renegotiation of a 3598
lease or license for telecommunications or electronic data 3599
processing equipment, services, or systems, or for the upgrade of 3600
such equipment, services, or systems, or for the maintenance 3601
thereof as supplied by the original source or its successors or 3602
assigns. 3603

(4) The purchase of goods or services is made from another 3604
political subdivision, public agency, public transit system, 3605
regional transit authority, the state, or the federal government, 3606
or as a third-party beneficiary under a state or federal 3607
procurement contract, or as a participant in a department of 3608
administrative services contract under division (B) of section 3609
125.04 of the Revised Code. 3610

(5) The sale and leaseback or lease and leaseback of transit 3611
facilities is made as provided in division (AA) of section 306.35 3612
of the Revised Code. 3613

(6) The purchase substantially involves services of a 3614
personal, professional, highly technical, or scientific nature, 3615
including but not limited to the services of an attorney, 3616
physician, surveyor, appraiser, investigator, court reporter, 3617
adjuster, advertising consultant, or licensed broker, or involves 3618
the special skills or proprietary knowledge required for the 3619

servicing of specialized equipment owned by the regional transit authority. 3620
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(7) Services or supplies are available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code. 3622
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(8) The purchase consists of the product or services of a public utility. 3625
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(9) The purchase is for the services of individuals with disabilities to work in the authority's commissaries or cafeterias, and those individuals are supplied by a nonprofit corporation or association whose purpose is to assist individuals with disabilities, whether or not that corporation or association is funded entirely or in part by the federal government, or the purchase is for services provided by a nonprofit corporation or association whose purpose is to assist individuals with disabilities, whether or not that corporation or association is funded entirely or in part by the federal government. For purposes of division (H)(9) of this section, "disability" has the same meaning as in section 4112.01 of the Revised Code. 3627
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(I) A regional transit authority may enter into blanket purchase agreements for purchases of maintenance, operating, or repair goods or services where the item cost does not exceed five hundred dollars and the annual expenditure does not exceed ~~twenty-five~~ one hundred thousand dollars. 3639
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(J) Nothing contained in this section prohibits a regional transit authority from participating in intergovernmental cooperative purchasing arrangements. 3644
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3646

(K) Except as otherwise provided in this chapter, a regional transit authority shall make a sale or other disposition of property through full and open competition. Except as provided in division (L) of this section, all dispositions of personal 3647
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3650

property and all grants of real property for terms exceeding five 3651
years shall be made by public auction or competitive procedure. 3652

(L) The competitive procedures required by division (K) of 3653
this section are not required in any of the following 3654
circumstances: 3655

(1) The grant is a component of a joint development between 3656
public and private entities and is intended to enhance or benefit 3657
public transit. 3658

(2) The grant of a limited use or of a license affecting land 3659
is made to an owner of abutting real property. 3660

(3) The grant of a limited use is made to a public utility. 3661

(4) The grant or disposition is to a department of the 3662
federal or state government, to a political subdivision of the 3663
state, or to any other governmental entity. 3664

(5) Used equipment is traded on the purchase of equipment and 3665
the value of the used equipment is a price-related factor in the 3666
basis for award for the purchase. 3667

(6) The value of the personal property is such that 3668
competitive procedures are not appropriate and the property either 3669
is sold at its fair market value or is disposed of by gift to a 3670
nonprofit entity having the general welfare or education of the 3671
public as one of its principal objects. 3672

(M) The board of trustees of a regional transit authority, 3673
when making a contract funded exclusively by state or local moneys 3674
or any combination thereof, shall make a good faith effort to use 3675
disadvantaged business enterprise participation to the same extent 3676
required under Section 105(f) of the "Surface Transportation 3677
Assistance Act of 1982," Public Law No. 97-424, 96 Stat. 2100, and 3678
Section 106(c) of the "Surface Transportation and Uniform 3679
Relocation Assistance Act of 1987," Public Law No. 100-17, 101 3680

Stat. 145, and the rules adopted thereunder. 3681

(N) As used in this section: 3682

(1) "Goods" means all things, including specially 3683
manufactured goods, that are movable at the time of identification 3684
to the contract for sale other than the money in which the price 3685
is to be paid, investment securities, and things in action. 3686
"Goods" also includes other identified things attached to realty 3687
as described in section 1302.03 of the Revised Code. 3688

(2) "Services" means the furnishing of labor, time, or effort 3689
by a contractor, not involving the delivery of goods or reports 3690
other than goods or reports that are merely incidental to the 3691
required performance, including but not limited to insurance, 3692
bonding, or routine operation, routine repair, or routine 3693
maintenance of existing structures, buildings, real property, or 3694
equipment, but does not include employment agreements, collective 3695
bargaining agreements, or personal services. 3696

(3) "Construction" means the process of building, altering, 3697
repairing, improving, painting, decorating, or demolishing any 3698
structure or building, or other improvements of any kind to any 3699
real property owned or leased by a regional transit authority. 3700

(4) "Full and open competition" has the same meaning as in 3701
the "Office of Federal Procurement Policy Act," Public Law No. 3702
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 3703

(5) A bidder is "responsive" if, applying the criteria of 3704
division (A) of section 9.312 of the Revised Code, the bidder is 3705
"responsive" as described in that section. 3706

(6) A bidder is "responsible" if, applying the criteria of 3707
division (A) of section 9.312 of the Revised Code and of the 3708
"Office of Federal Procurement Policy Act," Public Law No. 98-369, 3709
section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is 3710
"responsible" as described in those sections. 3711

Sec. 307.697. (A) For the purpose of section 307.696 of the Revised Code and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners of a county may levy a tax not to exceed three dollars on each gallon of spirituous liquor sold to or purchased by liquor permit holders for resale, and sold at retail by the division of liquor control, in the county. The tax shall be levied on the number of gallons so sold. The tax may be levied for any number of years not exceeding twenty.

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax, which resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general or special election held not sooner than seventy-five days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax takes effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the division of liquor control at least sixty days prior to the date on which the tax is to become effective.

(B) A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 4301.421 or 5743.024 of the Revised Code to levy a tax for the same purposes, and for the purpose of paying the expenses of administering that tax.

(C) The form of the ballot in an election held pursuant to 3743
this section or section 4301.421 or 5743.024 of the Revised Code 3744
shall be as follows or in any other form acceptable to the 3745
secretary of state: 3746

"For the purpose of paying not more than one-half of the 3747
costs of providing a public sports facility together with related 3748
redevelopment and economic development projects, shall (an) excise 3749
tax(es) be levied by county at the rate of 3750
(dollars on each gallon of spirituous liquor sold in the county by 3751
the Ohio division of liquor control, cents per gallon on the sale 3752
of beer at wholesale in the county, cents per gallon on the sale 3753
of wine and mixed beverages at wholesale in the county, cents per 3754
gallon on the sale of cider at wholesale in the county, or mills 3755
per cigarette on the sale of cigarettes at wholesale in the 3756
county), for years? 3757

	Yes	
	No	"

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For an election in which questions under this section or 3762
section 4301.421 or 5743.024 of the Revised Code are joined as a 3763
single question, the form of the ballot shall be as above, except 3764
each of the proposed taxes shall be listed. 3765

(D) The board of county commissioners of a county in which a 3766
tax is imposed under this section on July 19, 1995, may levy a tax 3767
for the purpose of section 307.673 of the Revised Code regardless 3768
of whether or not the cooperative agreement authorized under that 3769
section has been entered into prior to the day the resolution 3770
adopted under division (D)(1) or (2) of this section is adopted, 3771
and for the purpose of reimbursing a county for costs incurred in 3772
the construction of a sports facility pursuant to an agreement 3773

entered into by the county under section 307.696 of the Revised Code. The tax shall be levied and approved in one of the manners prescribed by division (D)(1) or (2) of this section.

(1) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after July 19, 1995. A board of county commissioners approving a tax under division (D)(1) of this section may approve a tax under division (B)(1) of section 4301.421 or division (C)(1) of section 5743.024 of the Revised Code at the same time. Subject to the resolution being submitted to a referendum under sections 305.31 to 305.41 of the Revised Code, the resolution shall take effect immediately, but the tax levied pursuant to the resolution shall not be levied prior to the day following the last day the tax levied pursuant to divisions (A), (B), and (C) of this section may be levied.

(2) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after July 19, 1995, and approved by a majority of the electors of the county voting on the question of levying the tax at the next succeeding general election following July 19, 1995. The board of county commissioners shall certify a copy of the resolution to the board of elections immediately upon adopting a resolution under division (D)(2) of this section, and the board of elections shall place the question of levying the tax on the ballot at that election. The form of the ballot shall be as prescribed by division (C) of this section, except that the phrase "paying not more than one-half of the costs of providing a sports facility together with related redevelopment and economic development projects" shall be replaced by the phrase "paying the costs of constructing or renovating a sports facility and reimbursing a county for costs incurred by the county in the construction of a sports facility," and the phrase ", beginning

..... (here insert the earliest date the tax would take 3806
effect)" shall be appended after "years." A board of county 3807
commissioners submitting the question of a tax under division 3808
(D)(2) of this section may submit the question of a tax under 3809
division (B)(2) of section 4301.421 or division (C)(2) of section 3810
5743.024 of the Revised Code as a single question, and the form of 3811
the ballot shall include each of the proposed taxes. 3812

If approved by a majority of electors voting on the question, 3813
the tax shall take effect on the day specified on the ballot, 3814
which shall not be earlier than the day following the last day the 3815
tax levied pursuant to divisions (A), (B), and (C) of this section 3816
may be levied. 3817

The rate of a tax levied pursuant to division (D)(1) or (2) 3818
of this section shall not exceed the rate specified in division 3819
(A) of this section. A tax levied pursuant to division (D)(1) or 3820
(2) of this section may be levied for any number of years not 3821
exceeding twenty. 3822

A board of county commissioners adopting a resolution under 3823
division (D)(1) or (2) of this section shall certify a copy of the 3824
resolution to the division of liquor control immediately upon 3825
adoption of the resolution. 3826

(E) No tax shall be levied under this section on or after the 3827
effective date of the amendment of this section by the capital 3828
appropriations act of the 127th general assembly. This division 3829
does not prevent the collection of any tax levied under this 3830
section before that date so long as that tax remains effective. 3831

Sec. 317.32. The county recorder shall charge and collect the 3832
following fees, to include base fees for the recorder's services 3833
and housing trust fund fees, collected pursuant to section 317.36 3834
of the Revised Code: 3835

(A) For recording and indexing an instrument when the 3836
photocopy or any similar process is employed, a base fee of 3837
fourteen dollars for the first two pages and a housing trust fund 3838
fee of fourteen dollars, and a base fee of four dollars and a 3839
housing trust fund fee of four dollars for each subsequent page, 3840
size eight and one-half inches by fourteen inches, or fraction of 3841
a page, including the caption page, of such instrument; 3842

(B) For certifying a photocopy from the record previously 3843
recorded, a base fee of one dollar and a housing trust fund fee of 3844
one dollar per page, size eight and one-half inches by fourteen 3845
inches, or fraction of a page; for each certification where the 3846
recorder's seal is required, except as to instruments issued by 3847
the armed forces of the United States, a base fee of fifty cents 3848
and a housing trust fund fee of fifty cents; 3849

(C) For manual or typewritten recording of assignment or 3850
satisfaction of mortgage or lease or any other marginal entry, a 3851
base fee of four dollars and a housing trust fund fee of four 3852
dollars; 3853

(D) For entering any marginal reference by separate recorded 3854
instrument, a base fee of two dollars and a housing trust fund fee 3855
of two dollars for each marginal reference set out in that 3856
instrument, in addition to the fees set forth in division (A) of 3857
this section; 3858

(E) For indexing in the real estate mortgage records, 3859
pursuant to section 1309.519 of the Revised Code, financing 3860
statements covering crops growing or to be grown, timber to be 3861
cut, minerals or the like, including oil and gas, accounts subject 3862
to section 1309.301 of the Revised Code, or fixture filings made 3863
pursuant to section 1309.334 of the Revised Code, a base fee of 3864
two dollars and a housing trust fund fee of two dollars for each 3865
name indexed; 3866

(F) For recording manually any plat not exceeding six lines, 3867
a base fee of two dollars and a housing trust fund fee of two 3868
dollars, and for each additional line, a base fee of ten cents and 3869
a housing trust fund fee of ten cents; 3870

(G) For filing zoning resolutions, including text and maps, 3871
in the office of the recorder as required under sections 303.11 3872
and 519.11 of the Revised Code, a base fee of ~~fifty~~ twenty-five 3873
dollars and a housing trust fund fee of ~~fifty~~ twenty-five dollars, 3874
regardless of the size or length of the resolutions; 3875

(H) For filing zoning amendments, including text and maps, in 3876
the office of the recorder as required under sections 303.12 and 3877
519.12 of the Revised Code, a base fee of ten dollars and a 3878
housing trust fund fee of ten dollars ~~for the first page and a~~ 3879
~~base fee of four dollars and a housing trust fund fee of four~~ 3880
~~dollars for each additional page~~ regardless of the size or length 3881
of the amendments; 3882

(I) For photocopying a document, other than at the time of 3883
recording and indexing as provided for in division (A) of this 3884
section, a base fee of one dollar and a housing trust fund fee of 3885
one dollar per page, size eight and one-half inches by fourteen 3886
inches, or fraction thereof; 3887

(J) For local facsimile transmission of a document, a base 3888
fee of one dollar and a housing trust fund fee of one dollar per 3889
page, size eight and one-half inches by fourteen inches, or 3890
fraction thereof; for long distance facsimile transmission of a 3891
document, a base fee of two dollars and a housing trust fund fee 3892
of two dollars per page, size eight and one-half inches by 3893
fourteen inches, or fraction thereof; 3894

(K) For recording a declaration executed pursuant to section 3895
2133.02 of the Revised Code or a durable power of attorney for 3896
health care executed pursuant to section 1337.12 of the Revised 3897

Code, or both a declaration and a durable power of attorney for 3898
health care, a base fee of at least fourteen dollars but not more 3899
than twenty dollars and a housing trust fund fee of at least 3900
fourteen dollars but not more than twenty dollars. 3901

In any county in which the recorder employs the photostatic 3902
or any similar process for recording maps, plats, or prints the 3903
recorder shall determine, charge, and collect for the recording or 3904
rerecording of any map, plat, or print, a base fee of five cents 3905
and a housing trust fund fee of five cents per square inch, for 3906
each square inch of the map, plat, or print filed for that 3907
recording or rerecording, with a minimum base fee of twenty 3908
dollars and a minimum housing trust fund fee of twenty dollars; 3909
for certifying a copy from the record, a base fee of two cents and 3910
a housing trust fund fee of two cents per square inch of the 3911
record, with a minimum base fee of two dollars and a minimum 3912
housing trust fund fee of two dollars. 3913

The fees provided in this section shall be paid upon the 3914
presentation of the instruments for record or upon the application 3915
for any certified copy of the record, except that the payment of 3916
fees associated with the filing and recording of, or the copying 3917
of, notices of internal revenue tax liens and notices of other 3918
liens in favor of the United States as described in division (A) 3919
of section 317.09 of the Revised Code and certificates of 3920
discharge or release of those liens, shall be governed by section 3921
317.09 of the Revised Code, and the payment of fees for providing 3922
copies of instruments conveying or extinguishing agricultural 3923
easements to the office of farmland preservation in the department 3924
of agriculture under division (H) of section 5301.691 of the 3925
Revised Code shall be governed by that division. 3926

Sec. 319.301. (A) This section does not apply to any of the 3927
following: 3928

(1) Taxes levied at whatever rate is required to produce a specified amount of tax money, including a tax levied under section <u>5705.199</u> or 5705.211 of the Revised Code, or an amount to pay debt charges;	3929 3930 3931 3932
(2) Taxes levied within the one per cent limitation imposed by Section 2 of Article XII, Ohio Constitution;	3933 3934
(3) Taxes provided for by the charter of a municipal corporation.	3935 3936
(B) As used in this section:	3937
(1) "Real property" includes real property owned by a railroad.	3938 3939
(2) "Carryover property" means all real property on the current year's tax list except:	3940 3941
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	3942 3943
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	3944 3945
(3) "Effective tax rate" means with respect to each class of property:	3946 3947
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D)(1) of this section without regard to the application of division (E)(3) of this section divided by	3948 3949 3950 3951 3952
(b) The taxable value of all real property in that class.	3953
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	3954 3955 3956
(C) The tax commissioner shall make the determinations	3957

required by this section each year, without regard to whether a 3958
taxing district has territory in a county to which section 5715.24 3959
of the Revised Code applies for that year. Separate determinations 3960
shall be made for each of the two classes established pursuant to 3961
section 5713.041 of the Revised Code. 3962

(D) With respect to each tax authorized to be levied by each 3963
taxing district, the tax commissioner, annually, shall do both of 3964
the following: 3965

(1) Determine by what percentage, if any, the sums levied by 3966
such tax against the carryover property in each class would have 3967
to be reduced for the tax to levy the same number of dollars 3968
against such property in that class in the current year as were 3969
charged against such property by such tax in the preceding year 3970
subsequent to the reduction made under this section but before the 3971
reduction made under section 319.302 of the Revised Code. In the 3972
case of a tax levied for the first time that is not a renewal of 3973
an existing tax, the commissioner shall determine by what 3974
percentage the sums that would otherwise be levied by such tax 3975
against carryover property in each class would have to be reduced 3976
to equal the amount that would have been levied if the full rate 3977
thereof had been imposed against the total taxable value of such 3978
property in the preceding tax year. A tax or portion of a tax that 3979
is designated a replacement levy under section 5705.192 of the 3980
Revised Code is not a renewal of an existing tax for purposes of 3981
this division. 3982

(2) Certify each percentage determined in division (D)(1) of 3983
this section, as adjusted under division (E) of this section, and 3984
the class of property to which that percentage applies to the 3985
auditor of each county in which the district has territory. The 3986
auditor, after complying with section 319.30 of the Revised Code, 3987
shall reduce the sum to be levied by such tax against each parcel 3988
of real property in the district by the percentage so certified 3989

for its class. Certification shall be made by the first day of 3990
September except in the case of a tax levied for the first time, 3991
in which case certification shall be made within fifteen days of 3992
the date the county auditor submits the information necessary to 3993
make the required determination. 3994

(E)(1) As used in division (E)(2) of this section, "pre-1982 3995
joint vocational taxes" means, with respect to a class of 3996
property, the difference between the following amounts: 3997

(a) The taxes charged and payable in tax year 1981 against 3998
the property in that class for the current expenses of the joint 3999
vocational school district of which the school district is a part 4000
after making all reductions under this section; 4001

(b) The following percentage of the taxable value of all real 4002
property in that class: 4003

(i) In 1987, five one-hundredths of one per cent; 4004

(ii) In 1988, one-tenth of one per cent; 4005

(iii) In 1989, fifteen one-hundredths of one per cent; 4006

(iv) In 1990 and each subsequent year, two-tenths of one per 4007
cent. 4008

If the amount in division (E)(1)(b) of this section exceeds 4009
the amount in division (E)(1)(a) of this section, the pre-1982 4010
joint vocational taxes shall be zero. 4011

As used in divisions (E)(2) and (3) of this section, "taxes 4012
charged and payable" has the same meaning as in division (B)(4) of 4013
this section and excludes any tax charged and payable in 1985 or 4014
thereafter under sections 5705.194 to 5705.197 or section 5705.199 4015
or 5705.213 of the Revised Code. 4016

(2) If in the case of a school district other than a joint 4017
vocational or cooperative education school district any percentage 4018
required to be used in division (D)(2) of this section for either 4019

class of property could cause the total taxes charged and payable 4020
for current expenses to be less than two per cent of the taxable 4021
value of all real property in that class that is subject to 4022
taxation by the district, the commissioner shall determine what 4023
percentages would cause the district's total taxes charged and 4024
payable for current expenses against that class, after all 4025
reductions that would otherwise be made under this section, to 4026
equal, when combined with the pre-1982 joint vocational taxes 4027
against that class, the lesser of the following: 4028

(a) The sum of the rates at which those taxes are authorized 4029
to be levied; 4030

(b) Two per cent of the taxable value of the property in that 4031
class. The auditor shall use such percentages in making the 4032
reduction required by this section for that class. 4033

(3)(a) If in the case of a joint vocational school district 4034
any percentage required to be used in division (D)(2) of this 4035
section for either class of property could cause the total taxes 4036
charged and payable for current expenses for that class to be less 4037
than the designated amount, the commissioner shall determine what 4038
percentages would cause the district's total taxes charged and 4039
payable for current expenses for that class, after all reductions 4040
that would otherwise be made under this section, to equal the 4041
designated amount. The auditor shall use such percentages in 4042
making the reductions required by this section for that class. 4043

(b) As used in division (E)(3)(a) of this section, the 4044
designated amount shall equal the taxable value of all real 4045
property in the class that is subject to taxation by the district 4046
times the lesser of the following: 4047

(i) Two-tenths of one per cent; 4048

(ii) The district's effective rate plus the following 4049
percentage for the year indicated: 4050

WHEN COMPUTING THE		4051
TAXES CHARGED FOR	ADD THE FOLLOWING PERCENTAGE:	4052
1987	0.025%	4053
1988	0.05%	4054
1989	0.075%	4055
1990	0.1%	4056
1991	0.125%	4057
1992	0.15%	4058
1993	0.175%	4059
1994 and thereafter	0.2%	4060

(F) No reduction shall be made under this section in the rate at which any tax is levied. 4061
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(G) The commissioner may order a county auditor to furnish any information the commissioner needs to make the determinations required under division (D) or (E) of this section, and the auditor shall supply the information in the form and by the date specified in the order. If the auditor fails to comply with an order issued under this division, except for good cause as determined by the commissioner, the commissioner shall withhold from such county or taxing district therein fifty per cent of state revenues to local governments pursuant to section 5747.50 of the Revised Code or shall direct the department of education to withhold therefrom fifty per cent of state revenues to school districts pursuant to Chapter 3317. of the Revised Code. The commissioner shall withhold the distribution of such revenues until the county auditor has complied with this division, and the department shall withhold the distribution of such revenues until the commissioner has notified the department that the county auditor has complied with this division. 4063
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(H) If the commissioner is unable to certify a tax reduction factor for either class of property in a taxing district located in more than one county by the last day of November because 4080
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information required under division (G) of this section is 4083
unavailable, the commissioner may compute and certify an estimated 4084
tax reduction factor for that district for that class. The 4085
estimated factor shall be based upon an estimate of the 4086
unavailable information. Upon receipt of the actual information 4087
for a taxing district that received an estimated tax reduction 4088
factor, the commissioner shall compute the actual tax reduction 4089
factor and use that factor to compute the taxes that should have 4090
been charged and payable against each parcel of property for the 4091
year for which the estimated reduction factor was used. The amount 4092
by which the estimated factor resulted in an overpayment or 4093
underpayment in taxes on any parcel shall be added to or 4094
subtracted from the amount due on that parcel in the ensuing tax 4095
year. 4096

A percentage or a tax reduction factor determined or computed 4097
by the commissioner under this section shall be used solely for 4098
the purpose of reducing the sums to be levied by the tax to which 4099
it applies for the year for which it was determined or computed. 4100
It shall not be used in making any tax computations for any 4101
ensuing tax year. 4102

(I) In making the determinations under division (D)(1) of 4103
this section, the tax commissioner shall take account of changes 4104
in the taxable value of carryover property resulting from 4105
complaints filed under section 5715.19 of the Revised Code for 4106
determinations made for the tax year in which such changes are 4107
reported to the commissioner. Such changes shall be reported to 4108
the commissioner on the first abstract of real property filed with 4109
the commissioner under section 5715.23 of the Revised Code 4110
following the date on which the complaint is finally determined by 4111
the board of revision or by a court or other authority with 4112
jurisdiction on appeal. The tax commissioner shall account for 4113
such changes in making the determinations only for the tax year in 4114

which the change in valuation is reported. Such a valuation change 4115
shall not be used to recompute the percentages determined under 4116
division (D)(1) of this section for any prior tax year. 4117

Sec. 321.261. (A) Five per cent of all delinquent real 4118
property, personal property, and manufactured and mobile home 4119
taxes and assessments collected by the county treasurer shall be 4120
deposited in the delinquent tax and assessment collection fund, 4121
which shall be created in the county treasury. The Except as 4122
provided in division (B) of this section, the moneys in the fund, 4123
one-half of which shall be appropriated by the board of county 4124
commissioners to the treasurer and one-half of which shall be 4125
appropriated to the county prosecuting attorney, shall be used 4126
solely in connection with the collection of delinquent real 4127
property, personal property, and manufactured and mobile home 4128
taxes and assessments. 4129

Annually by the first day of December, the treasurer and the 4130
prosecuting attorney each shall submit a report to the board 4131
regarding the use of the moneys appropriated to their respective 4132
offices from the delinquent tax and assessment collection fund. 4133
Each report shall specify the amount appropriated to the office 4134
during the current calendar year, an estimate of the amount so 4135
appropriated that will be expended by the end of the year, a 4136
summary of how the amount appropriated has been expended in 4137
connection with delinquent tax collection activities, and an 4138
estimate of the amount that will be credited to the fund during 4139
the ensuing calendar year. 4140

(B) A board of county commissioners of a county with a 4141
population exceeding four hundred thousand may, by resolution, 4142
authorize the use of up to three million dollars each year in the 4143
county's delinquent tax and assessment collection fund to prevent 4144
residential mortgage foreclosures in the county and to assist 4145

municipal corporations located in the county in the nuisance 4146
abatement of deteriorated residential buildings in foreclosure. 4147
The funds shall be used to provide financial assistance in the 4148
form of loans to borrowers in default on their home mortgages, 4149
including for the payment of late fees, to clear arrearage 4150
balances, and to augment moneys used in the county's foreclosure 4151
prevention program. Upon application by a municipal corporation 4152
located in the county, the funds also shall be used to pay the 4153
cost of securing deteriorated residential buildings in 4154
foreclosure, including paying the costs of securing such 4155
buildings, lot maintenance, and demolition. 4156

Sec. 340.02. As used in this section, "mental health 4157
professional" means a person who is qualified to work with 4158
mentally ill persons, pursuant to standards established by the 4159
director of mental health under section 5119.611 of the Revised 4160
Code. 4161

For each alcohol, drug addiction, and mental health service 4162
district, there shall be appointed a board of alcohol, drug 4163
addiction, and mental health services of eighteen members. ~~Members~~ 4164
~~shall be residents of the district and~~ Nine members shall be 4165
interested in mental health programs and facilities ~~or~~ and nine 4166
other members shall be interested in alcohol or drug addiction 4167
programs. All members shall be residents of the service district. 4168
The membership shall, as nearly as possible, reflect the 4169
composition of the population of the service district as to race 4170
and sex. 4171

The director of mental health shall appoint four members of 4172
the board, the director of alcohol and drug addiction services 4173
shall appoint four members, and the board of county commissioners 4174
shall appoint ten members. In a joint-county district, the county 4175
commissioners of each participating county shall appoint members 4176

in as nearly as possible the same proportion as that county's 4177
population bears to the total population of the district, except 4178
that at least one member shall be appointed from each 4179
participating county. 4180

The director of mental health shall ensure that at least one 4181
member of the board is a psychiatrist and one member of the board 4182
is a mental health professional. If the appointment of a 4183
psychiatrist is not possible, as determined under rules adopted by 4184
the director, a licensed physician may be appointed in place of 4185
the psychiatrist. If the appointment of a licensed physician is 4186
not possible, the director of mental health may waive the 4187
requirement that the psychiatrist or licensed physician be a 4188
resident of the service district and appoint a psychiatrist or 4189
licensed physician from a contiguous county. ~~The membership of the 4190
board shall, as nearly as possible, reflect the composition of the 4191
population of the service district as to race and sex.~~ The 4192
director of mental health shall ensure that at least one member of 4193
the board is a person who has received or is receiving mental 4194
health services paid for by public funds and at least one member 4195
is a parent or other relative of such a person. 4196

The director of alcohol and drug addiction services shall 4197
ensure that at least one member of the board is a professional in 4198
the field of alcohol or drug addiction services and one member of 4199
the board is an advocate for persons receiving treatment for 4200
alcohol or drug addiction. Of the members appointed by the 4201
director of alcohol and drug addiction services, at least one 4202
shall be a person who has received or is receiving services for 4203
alcohol or drug addiction, and at least one shall be a parent or 4204
other relative of such a person. 4205

No member or employee of a board of alcohol, drug addiction, 4206
and mental health services shall serve as a member of the board of 4207
any agency with which the board of alcohol, drug addiction, and 4208

mental health services has entered into a contract for the 4209
provision of services or facilities. No member of a board of 4210
alcohol, drug addiction, and mental health services shall be an 4211
employee of any agency with which the board has entered into a 4212
contract for the provision of services or facilities. No person 4213
shall be an employee of a board and such an agency unless the 4214
board and agency both agree in writing. 4215

No person shall serve as a member of the board of alcohol, 4216
drug addiction, and mental health services whose spouse, child, 4217
parent, brother, sister, grandchild, stepparent, stepchild, 4218
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4219
daughter-in-law, brother-in-law, or sister-in-law serves as a 4220
member of the board of any agency with which the board of alcohol, 4221
drug addiction, and mental health services has entered into a 4222
contract for the provision of services or facilities. No person 4223
shall serve as a member or employee of the board whose spouse, 4224
child, parent, brother, sister, stepparent, stepchild, 4225
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4226
daughter-in-law, brother-in-law, or sister-in-law serves as a 4227
county commissioner of a county or counties in the alcohol, drug 4228
addiction, and mental health service district. 4229

Each year each board member shall attend at least one 4230
inservice training session provided or approved by the department 4231
of mental health or the department of alcohol and drug addiction 4232
services. Such training sessions shall not be considered to be 4233
regularly scheduled meetings of the board. 4234

Each member shall be appointed for a term of four years, 4235
commencing the first day of July, except that one-third of initial 4236
appointments to a newly established board, and to the extent 4237
possible to expanded boards, shall be for terms of two years, 4238
one-third of initial appointments shall be for terms of three 4239
years, and one-third of initial appointments shall be for terms of 4240

four years. No member shall serve more than two consecutive 4241
four-year terms. A member may serve for three consecutive terms 4242
only if one of the terms is for less than two years. A member who 4243
has served two consecutive four-year terms or three consecutive 4244
terms totaling less than ten years is eligible for reappointment 4245
one year following the end of the second or third term, 4246
respectively. 4247

When a vacancy occurs, appointment for the expired or 4248
unexpired term shall be made in the same manner as an original 4249
appointment. The appointing authority shall be notified by 4250
certified mail of any vacancy and shall fill the vacancy within 4251
sixty days following that notice. 4252

Any member of the board may be removed from office by the 4253
appointing authority for neglect of duty, misconduct, or 4254
malfeasance in office, and shall be removed by the appointing 4255
authority if the member's spouse, child, parent, brother, sister, 4256
stepparent, stepchild, stepbrother, stepsister, father-in-law, 4257
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or 4258
sister-in-law serves as a county commissioner of a county or 4259
counties in the service district or serves as a member or employee 4260
of the board of an agency with which the board of alcohol, drug 4261
addiction, and mental health services has entered a contract for 4262
the provision of services or facilities. The member shall be 4263
informed in writing of the charges and afforded an opportunity for 4264
a hearing. Upon the absence of a member within one year from 4265
either four board meetings or from two board meetings without 4266
prior notice, the board shall notify the appointing authority, 4267
which may vacate the appointment and appoint another person to 4268
complete the member's term. 4269

Members of the board shall serve without compensation, but 4270
shall be reimbursed for actual and necessary expenses incurred in 4271
the performance of their official duties, as defined by rules of 4272

the departments of mental health and alcohol and drug addiction 4273
services. 4274

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 4275
health service district comprised of a county with a population of 4276
two hundred fifty thousand or more on October 10, 1989, the board 4277
of county commissioners shall, within thirty days of October 10, 4278
1989, establish an alcohol and drug addiction services board as 4279
the entity responsible for providing alcohol and drug addiction 4280
services in the county, unless, prior to that date, the board 4281
adopts a resolution providing that the entity responsible for 4282
providing the services is a board of alcohol, drug addiction, and 4283
mental health services. If the board of county commissioners 4284
establishes an alcohol and drug addiction services board, the 4285
community mental health board established under former section 4286
340.02 of the Revised Code shall serve as the entity responsible 4287
for providing mental health services in the county. A community 4288
mental health board has all the powers, duties, and obligations of 4289
a board of alcohol, drug addiction, and mental health services 4290
with regard to mental health services. An alcohol and drug 4291
addiction services board has all the powers, duties, and 4292
obligations of a board of alcohol, drug addiction, and mental 4293
health services with regard to alcohol and drug addiction 4294
services. Any provision of the Revised Code that refers to a board 4295
of alcohol, drug addiction, and mental health services with regard 4296
to mental health services also refers to a community mental health 4297
board and any provision that refers to a board of alcohol, drug 4298
addiction, and mental health services with regard to alcohol and 4299
drug addiction services also refers to an alcohol and drug 4300
addiction services board. 4301

An alcohol and drug addiction services board shall consist of 4302
eighteen members, six of whom shall be appointed by the director 4303
of alcohol and drug addiction services and twelve of whom shall be 4304

appointed by the board of county commissioners. Of the members 4305
appointed by the director, one shall be a person who has received 4306
or is receiving services for alcohol or drug addiction, one shall 4307
be a parent or relative of such a person, one shall be a 4308
professional in the field of alcohol or drug addiction services, 4309
and one shall be an advocate for persons receiving treatment for 4310
alcohol or drug addiction. The membership of the board shall, as 4311
nearly as possible, reflect the composition of the population of 4312
the service district as to race and sex. Members shall be 4313
residents of the service district and shall be interested in 4314
alcohol and drug addiction services. Requirements for membership, 4315
including prohibitions against certain family and business 4316
relationships, and terms of office shall be the same as those for 4317
members of boards of alcohol, drug addiction, and mental health 4318
services. 4319

A community mental health board shall consist of eighteen 4320
members, six of whom shall be appointed by the director of mental 4321
health and twelve of whom shall be appointed by the board of 4322
county commissioners. Of the members appointed by the director, 4323
one shall be a person who has received or is receiving mental 4324
health services, one shall be a parent or relative of such a 4325
person, one shall be a psychiatrist or a physician, and one shall 4326
be a mental health professional. The membership of the board as 4327
nearly as possible shall reflect the composition of the population 4328
of the service district as to race and sex. Members shall be 4329
residents of the service district and shall be interested in 4330
mental health services. Requirements for membership, including 4331
prohibitions against certain family and business relationships, 4332
and terms of office shall be the same as those for members of 4333
boards of alcohol, drug addiction, and mental health services. 4334

(B) If a board of county commissioners subject to division 4335
(A) of this section did not adopt a resolution providing for a 4336

board of alcohol, drug addiction, and mental health services, the 4337
board of county commissioners may establish such a board in 4338
accordance with the following procedures: 4339

(1) Not later than January 1, 2007, the board of county 4340
commissioners shall adopt a resolution expressing its intent to 4341
establish a board of alcohol, drug addiction, and mental health 4342
services. 4343

(2) After adopting a resolution under division (B)(1) of this 4344
section, the board of county commissioners shall instruct the 4345
county's community mental health board and alcohol and drug 4346
addiction services board to prepare a report on the feasibility, 4347
process, and proposed plan to establish a board of alcohol, drug 4348
addiction, and mental health services. The board of county 4349
commissioners shall specify the date by which the report must be 4350
submitted to the board for its review. 4351

(3) After reviewing the report prepared under division (B)(2) 4352
of this section, the board may adopt a final resolution 4353
establishing a board of alcohol, drug addiction, and mental health 4354
services. A final resolution establishing such a board shall be 4355
adopted not later than July 1, 2007. 4356

(C)(1) If a board of county commissioners subject to division 4357
(A) of this section did not adopt a resolution providing for a 4358
board of alcohol, drug addiction, and mental health services and 4359
did not establish such a board under division (B) of this section, 4360
the board of county commissioners may establish a board of 4361
alcohol, drug addiction, and mental health services on or after 4362
the effective date of this amendment. To establish the board, the 4363
board of county commissioners shall adopt a resolution providing 4364
for the board's establishment. The composition of the board, the 4365
procedures for appointing members, and all other matters related 4366
to the board and its members are subject to section 340.02 of the 4367
Revised Code, with the following exceptions: 4368

(a) For initial appointments to the board, the county's community mental health board and alcohol and drug addiction services board shall jointly recommend members of those boards for reappointment and shall submit the recommendations to the board of county commissioners, director of mental health, and director of alcohol and drug addiction services.

(b) To the greatest extent possible, the appointing authorities shall appoint the initial members from among the members jointly recommended under division (C)(1)(a) of this section.

(2) If a board of alcohol, drug addiction, and mental health services is established pursuant to division (C)(1) of this section, the board has the same rights, privileges, immunities, powers, and duties that were possessed by the county's community mental health board and alcohol and drug addiction services board. When the board is established, all property and obligations of the community mental health board and alcohol and drug addiction services board shall be transferred to the board of alcohol, drug addiction, and mental health services.

Sec. 351.26. (A) The board of directors of a convention facilities authority may adopt a resolution requesting the board of county commissioners of the county in which the convention facilities authority has its territory to propose the question of a tax to be levied pursuant to this section and section 4301.424 or sections 5743.026 and 5743.324 of the Revised Code for the purpose of construction or renovation of a sports facility. The board of directors shall certify a copy of the resolution to the board of county commissioners not later than ninety days prior to the day of the election at which the board of directors requests the board of county commissioners to submit the question of the tax. The resolution shall state the rate at which the tax would be

levied, the purpose for which the tax would be levied, the number 4400
of years the tax would be levied, the section of the Revised Code 4401
under which the tax would be levied, and the date of the election 4402
at which the board of directors requests the board of county 4403
commissioners to submit the question of the tax, all of which are 4404
subject to the limitations of this section and section 4301.424 or 4405
sections 5743.026 and 5743.324 of the Revised Code. 4406

Upon receiving a copy of such a resolution from the board of 4407
directors, the board of county commissioners shall adopt a 4408
resolution either approving or rejecting the proposal, and certify 4409
a copy of its resolution to the board of directors. If the board 4410
of county commissioners approves the proposal, the board of county 4411
commissioners shall propose the question of levying a tax pursuant 4412
to section 4301.424 of the Revised Code or pursuant to sections 4413
5743.026 and 5743.324 of the Revised Code, as specified in the 4414
board of directors' resolution, for the purpose of construction or 4415
renovation of a sports facility. 4416

(B) The form of the ballot in an election held on the 4417
question of levying a tax proposed pursuant to section 4301.424 or 4418
5743.026 of the Revised Code shall be as follows or in any other 4419
form acceptable to the secretary of state: 4420

"For the purpose of paying the costs of 4421
(constructing or renovating) a sports facility, shall (an) excise 4422
tax(es) be levied by the county for the convention 4423
facilities authority of county at the rate of 4424
(dollars on each gallon of spirituous liquor sold in the county by 4425
the Ohio division of liquor control, cents per gallon on the sale 4426
of beer at wholesale in the county, cents per gallon on the sale 4427
of wine and mixed beverages at wholesale in the county, or mills 4428
per cigarette on the sale of cigarettes at wholesale in the 4429
county), for years? 4430

	Yes
	No

"

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For an election in which questions under section 4301.424 or 5743.026 of the Revised Code are joined as a single question, the form of the ballot shall be as above, except each of the proposed taxes shall be listed.

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(C) No tax shall be levied under this section on or after the effective date of the amendment of this section by the capital appropriations act of the 127th general assembly. This division does not prevent the collection of any tax levied under this section before that date so long as that tax remains effective.

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Sec. 519.12. (A)(1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

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(2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall

set a date for a public hearing, which date shall not be less than 4463
twenty nor more than forty days from the date of the certification 4464
of such a resolution, the date of adoption of such a motion, or 4465
the date of the filing of such an application. Notice of the 4466
hearing shall be given by the commission by one publication in one 4467
or more newspapers of general circulation in the township at least 4468
ten days before the date of the hearing. 4469

(B) If the proposed amendment intends to rezone or redistrict 4470
ten or fewer parcels of land, as listed on the county auditor's 4471
current tax list, written notice of the hearing shall be mailed by 4472
the township zoning commission, by first class mail, at least ten 4473
days before the date of the public hearing to all owners of 4474
property within and contiguous to and directly across the street 4475
from the area proposed to be rezoned or redistricted to the 4476
addresses of those owners appearing on the county auditor's 4477
current tax list. The failure of delivery of that notice shall not 4478
invalidate any such amendment. 4479

(C) If the proposed amendment intends to rezone or redistrict 4480
ten or fewer parcels of land as listed on the county auditor's 4481
current tax list, the published and mailed notices shall set forth 4482
the time, date, and place of the public hearing and include all of 4483
the following: 4484

(1) The name of the township zoning commission that will be 4485
conducting the hearing; 4486

(2) A statement indicating that the motion, resolution, or 4487
application is an amendment to the zoning resolution; 4488

(3) A list of the addresses of all properties to be rezoned 4489
or redistricted by the proposed amendment and of the names of 4490
owners of those properties, as they appear on the county auditor's 4491
current tax list; 4492

(4) The present zoning classification of property named in 4493

the proposed amendment and the proposed zoning classification of 4494
that property; 4495

(5) The time and place where the motion, resolution, or 4496
application proposing to amend the zoning resolution will be 4497
available for examination for a period of at least ten days prior 4498
to the hearing; 4499

(6) The name of the person responsible for giving notice of 4500
the hearing by publication, by mail, or by both publication and 4501
mail; 4502

(7) A statement that, after the conclusion of the hearing, 4503
the matter will be submitted to the board of township trustees for 4504
its action; 4505

(8) Any other information requested by the commission. 4506

(D) If the proposed amendment alters the text of the zoning 4507
resolution, or rezones or redistricts more than ten parcels of 4508
land as listed on the county auditor's current tax list, the 4509
published notice shall set forth the time, date, and place of the 4510
public hearing and include all of the following: 4511

(1) The name of the township zoning commission that will be 4512
conducting the hearing on the proposed amendment; 4513

(2) A statement indicating that the motion, application, or 4514
resolution is an amendment to the zoning resolution; 4515

(3) The time and place where the text and maps of the 4516
proposed amendment will be available for examination for a period 4517
of at least ten days prior to the hearing; 4518

(4) The name of the person responsible for giving notice of 4519
the hearing by publication; 4520

(5) A statement that, after the conclusion of the hearing, 4521
the matter will be submitted to the board of township trustees for 4522
its action; 4523

(6) Any other information requested by the commission. 4524

(E) Within five days after the adoption of the motion 4525
described in division (A) of this section, the certification of 4526
the resolution described in division (A) of this section, or the 4527
filing of the application described in division (A) of this 4528
section, the township zoning commission shall transmit a copy of 4529
it together with text and map pertaining to it to the county or 4530
regional planning commission, if there is such a commission. 4531

The county or regional planning commission shall recommend 4532
the approval or denial of the proposed amendment or the approval 4533
of some modification of it and shall submit its recommendation to 4534
the township zoning commission. The recommendation shall be 4535
considered at the public hearing held by the township zoning 4536
commission on the proposed amendment. 4537

The township zoning commission, within thirty days after the 4538
hearing, shall recommend the approval or denial of the proposed 4539
amendment, or the approval of some modification of it, and submit 4540
that recommendation together with the motion, application, or 4541
resolution involved, the text and map pertaining to the proposed 4542
amendment, and the recommendation of the county or regional 4543
planning commission on it to the board of township trustees. 4544

The board of township trustees, upon receipt of that 4545
recommendation, shall set a time for a public hearing on the 4546
proposed amendment, which date shall not be more than thirty days 4547
from the date of the receipt of that recommendation. Notice of the 4548
hearing shall be given by the board by one publication in one or 4549
more newspapers of general circulation in the township, at least 4550
ten days before the date of the hearing. 4551

(F) If the proposed amendment intends to rezone or redistrict 4552
ten or fewer parcels of land as listed on the county auditor's 4553
current tax list, the published notice shall set forth the time, 4554

date, and place of the public hearing and include all of the 4555
following: 4556

(1) The name of the board of township trustees that will be 4557
conducting the hearing; 4558

(2) A statement indicating that the motion, application, or 4559
resolution is an amendment to the zoning resolution; 4560

(3) A list of the addresses of all properties to be rezoned 4561
or redistricted by the proposed amendment and of the names of 4562
owners of those properties, as they appear on the county auditor's 4563
current tax list; 4564

(4) The present zoning classification of property named in 4565
the proposed amendment and the proposed zoning classification of 4566
that property; 4567

(5) The time and place where the motion, application, or 4568
resolution proposing to amend the zoning resolution will be 4569
available for examination for a period of at least ten days prior 4570
to the hearing; 4571

(6) The name of the person responsible for giving notice of 4572
the hearing by publication, by mail, or by both publication and 4573
mail; 4574

(7) Any other information requested by the board. 4575

(G) If the proposed amendment alters the text of the zoning 4576
resolution, or rezones or redistricts more than ten parcels of 4577
land as listed on the county auditor's current tax list, the 4578
published notice shall set forth the time, date, and place of the 4579
public hearing and include all of the following: 4580

(1) The name of the board of township trustees that will be 4581
conducting the hearing on the proposed amendment; 4582

(2) A statement indicating that the motion, application, or 4583
resolution is an amendment to the zoning resolution; 4584

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, ~~the unanimous~~ a majority vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least seventy-five days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and 4617
the statement of the circulator shall be substantially as follows: 4618

"PETITION FOR ZONING REFERENDUM 4619

(if the proposal is identified by a particular name or number, or 4620
both, these should be inserted here) 4621

A proposal to amend the zoning map of the unincorporated area 4622
of Township, County, Ohio, adopted 4623
.....(date)..... (followed by brief summary of the proposal). 4624

To the Board of Township Trustees of 4625
Township, County, Ohio: 4626

~~..... County, Ohio:~~ 4627

We, the undersigned, being electors residing in the 4628
unincorporated area of Township, included 4629
within the Township Zoning Plan, equal to not less 4630
than eight per cent of the total vote cast for all candidates for 4631
governor in the area at the preceding general election at which a 4632
governor was elected, request the Board of Township Trustees to 4633
submit this amendment of the zoning resolution to the electors of 4634
..... Township residing within the 4635
unincorporated area of the township included in the 4636
..... Township Zoning Resolution, for approval or 4637
rejection at a special election to be held on the day of the 4638
primary or general election to be held on(date)....., 4639
pursuant to section 519.12 of the Revised Code. 4640

Street Address Date of 4641
Signature or R.F.D. Township Precinct County Signing 4642
..... 4643
..... 4644

STATEMENT OF CIRCULATOR 4645

I,(name of circulator)....., declare under 4646

penalty of election falsification that I am an elector of the 4647
state of Ohio and reside at the address appearing below my 4648
signature; that I am the circulator of the foregoing part petition 4649
containing(number)..... signatures; that I have 4650
witnessed the affixing of every signature; that all signers were 4651
to the best of my knowledge and belief qualified to sign; and that 4652
every signature is to the best of my knowledge and belief the 4653
signature of the person whose signature it purports to be or of an 4654
attorney in fact acting pursuant to section 3501.382 of the 4655
Revised Code. 4656

..... 4657
(Signature of circulator) 4658
..... 4659
(Address of circulator's permanent 4660
residence in this state) 4661
..... 4662
(City, village, or township, 4663
and zip code) 4664

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 4665
OF THE FIFTH DEGREE." 4666

The petition shall be filed with the board of township 4667
trustees and shall be accompanied by an appropriate map of the 4668
area affected by the zoning proposal. Within two weeks after 4669
receiving a petition filed under this section, the board of 4670
township trustees shall certify the petition to the board of 4671
elections. A petition filed under this section shall be certified 4672
to the board of elections not less than seventy-five days prior to 4673
the election at which the question is to be voted upon. 4674

The board of elections shall determine the sufficiency and 4675
validity of each petition certified to it by a board of township 4676
trustees under this section. If the board of elections determines 4677
that a petition is sufficient and valid, the question shall be 4678

voted upon at a special election to be held on the day of the next 4679
primary or general election that occurs at least seventy-five days 4680
after the date the petition is filed with the board of township 4681
trustees, regardless of whether any election will be held to 4682
nominate or elect candidates on that day. 4683

No amendment for which such a referendum vote has been 4684
requested shall be put into effect unless a majority of the vote 4685
cast on the issue is in favor of the amendment. Upon certification 4686
by the board of elections that the amendment has been approved by 4687
the voters, it shall take immediate effect. 4688

Within five working days after an amendment's effective date, 4689
the board of township trustees shall file the text and maps of the 4690
amendment in the office of the county recorder and with the county 4691
or regional planning commission, if one exists. 4692

The failure to file any amendment, or any text and maps, or 4693
duplicates of any of these documents, with the office of the 4694
county recorder or the county or regional planning commission as 4695
required by this section does not invalidate the amendment and is 4696
not grounds for an appeal of any decision of the board of zoning 4697
appeals. 4698

Sec. 519.211. (A) Except as otherwise provided in division 4699
(B) or (C) of this section, sections 519.02 to 519.25 of the 4700
Revised Code confer no power on any board of township trustees or 4701
board of zoning appeals in respect to the location, erection, 4702
construction, reconstruction, change, alteration, maintenance, 4703
removal, use, or enlargement of any buildings or structures of any 4704
public utility or railroad, whether publicly or privately owned, 4705
or the use of land by any public utility or railroad, for the 4706
operation of its business. As used in this division, "public 4707
utility" does not include a person that owns or operates a solid 4708
waste facility or a solid waste transfer facility, other than a 4709

publicly owned solid waste facility or a publicly owned solid 4710
waste transfer facility, that has been issued a permit under 4711
Chapter 3734. of the Revised Code or a construction and demolition 4712
debris facility that has been issued a permit under Chapter 3714. 4713
of the Revised Code. 4714

(B)(1) As used in this division, "telecommunications tower" 4715
means any free-standing structure, or any structure to be attached 4716
to a building or other structure, that meets all of the following 4717
criteria: 4718

(a) The free-standing or attached structure is proposed to be 4719
constructed on or after October 31, 1996. 4720

(b) The free-standing or attached structure is proposed to be 4721
owned or principally used by a public utility engaged in the 4722
provision of telecommunications services. 4723

(c) The free-standing or attached structure is proposed to be 4724
located in an unincorporated area of a township, in an area zoned 4725
for residential use. 4726

(d)(i) The free-standing structure is proposed to top at a 4727
height that is greater than either the maximum allowable height of 4728
residential structures within the zoned area as set forth in the 4729
applicable zoning regulations, or the maximum allowable height of 4730
such a free-standing structure as set forth in any applicable 4731
zoning regulations in effect immediately prior to October 31, 4732
1996, or as those regulations subsequently are amended. 4733

(ii) The attached structure is proposed to top at a height 4734
that is greater than either the height of the building or other 4735
structure to which it is to be attached, or the maximum allowable 4736
height of such an attached structure as set forth in any 4737
applicable zoning regulations in effect immediately prior to 4738
October 31, 1996, or as those regulations subsequently are 4739
amended. 4740

(e) The free-standing or attached structure is proposed to 4741
have attached to it radio frequency transmission or reception 4742
equipment. 4743

(2) Sections 519.02 to 519.25 of the Revised Code confer 4744
power on a board of township trustees or board of zoning appeals 4745
with respect to the location, erection, construction, 4746
reconstruction, change, alteration, removal, or enlargement of a 4747
telecommunications tower, but not with respect to the maintenance 4748
or use of such a tower or any change or alteration that would not 4749
substantially increase the tower's height. However, the power so 4750
conferred shall apply to a particular telecommunications tower 4751
only upon the provision of a notice, in accordance with division 4752
(B)(4)(a) of this section, to the person proposing to construct 4753
the tower. 4754

(3) Any person who plans to construct a telecommunications 4755
tower in an area subject to township zoning regulations shall 4756
provide both of the following by certified mail: 4757

(a) Written notice to each owner of property, as shown on the 4758
county auditor's current tax list, whose land is contiguous to or 4759
directly across a street or roadway from the property on which the 4760
tower is proposed to be constructed, stating all of the following 4761
in clear and concise language: 4762

(i) The person's intent to construct the tower; 4763

(ii) A description of the property sufficient to identify the 4764
proposed location; 4765

(iii) That, no later than fifteen days after the date of 4766
mailing of the notice, any such property owner may give written 4767
notice to the board of township trustees requesting that sections 4768
519.02 to 519.25 of the Revised Code apply to the proposed 4769
location of the tower as provided under division (B)(4)(a) of this 4770
section. 4771

If the notice to a property owner is returned unclaimed or 4772
refused, the person shall mail the notice by regular mail. The 4773
failure of delivery of the notice does not invalidate the notice. 4774

(b) Written notice to the board of township trustees of the 4775
information specified in divisions (B)(3)(a)(i) and (ii) of this 4776
section. The notice to the board also shall include verification 4777
that the person has complied with division (B)(3)(a) of this 4778
section. 4779

(4)(a) If the board of township trustees receives notice from 4780
a property owner under division (B)(3)(a)(iii) of this section 4781
within the time specified in that division or if a board member 4782
makes an objection to the proposed location of the 4783
telecommunications tower within fifteen days after the date of 4784
mailing of the notice sent under division (B)(3)(b) of this 4785
section, the board shall request that the fiscal officer of the 4786
township send the person proposing to construct the tower written 4787
notice that the tower is subject to the power conferred by and in 4788
accordance with division (B)(2) of this section. The notice shall 4789
be sent no later than five days after the earlier of the date the 4790
board first receives such a notice from a property owner or the 4791
date upon which a board member makes an objection. Upon the date 4792
of mailing of the notice to the person, sections 519.02 to 519.25 4793
of the Revised Code shall apply to the tower. 4794

(b) If the board of township trustees receives no notice 4795
under division (B)(3)(a)(iii) of this section within the time 4796
prescribed by that division or no board member has an objection as 4797
provided under division (B)(4)(a) of this section within the time 4798
prescribed by that division, division (A) of this section shall 4799
apply to the tower without exception. 4800

(C) Sections 519.02 to 519.25 of the Revised Code confer 4801
power on a board of township trustees or board of zoning appeals 4802
with respect to the location, erection, construction, 4803

reconstruction, change, alteration, maintenance, removal, use, or 4804
enlargement of any buildings or structures of a public utility 4805
engaged in the business of transporting persons or property, or 4806
both, or providing or furnishing such transportation service, over 4807
any public street, road, or highway in this state, and with 4808
respect to the use of land by any such public utility for the 4809
operation of its business, to the extent that any exercise of such 4810
power is reasonable and not inconsistent with Chapters 4901., 4811
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 4812
However, this division confers no power on a board of township 4813
trustees or board of zoning appeals with respect to a building or 4814
structure of, or the use of land by, a person engaged in the 4815
transportation of farm supplies to the farm or farm products from 4816
farm to market or to food fabricating plants. 4817

(D) Sections 519.02 to 519.25 of the Revised Code confer no 4818
power on any township zoning commission, board of township 4819
trustees, or board of zoning appeals to prohibit the sale or use 4820
of alcoholic beverages in areas where the establishment and 4821
operation of any retail business, hotel, lunchroom, or restaurant 4822
is permitted. 4823

(E)(1) Any person who plans to construct a telecommunications 4824
tower within one hundred feet of a residential dwelling shall 4825
provide a written notice to the owner of the residential dwelling 4826
and to the person occupying the residence, if that person is not 4827
the owner of the residence stating in clear and concise language 4828
the person's intent to construct the tower and a description of 4829
the property sufficient to identify the proposed location. The 4830
notice shall be sent by certified mail. If the notice is returned 4831
unclaimed or refused, the person shall mail the notice by regular 4832
mail. The failure of delivery does not invalidate the notice. 4833

(2) As used in division (E) of this section: 4834

(a) "Residential dwelling" means a building used or intended 4835

to be used as a personal residence by the owner, part-time owner, 4836
or lessee of the building, or any person authorized by such a 4837
person to use the building as a personal residence. 4838

(b) "Telecommunications tower" has the same meaning as in 4839
division (B)(1) of this section, except that the proposed location 4840
of the free-standing or attached structure may be an area other 4841
than an unincorporated area of a township, in an area zoned for 4842
residential use. 4843

Sec. 519.213. (A) As used in this section, "small wind farm" 4844
means wind turbines and associated facilities with a single 4845
interconnection to the electrical grid and designed for, or 4846
capable of, operation at an aggregate capacity of less than five 4847
megawatts. 4848

(B) Notwithstanding division (A) of section 519.211 of the 4849
Revised Code, sections 519.02 to 519.25 of the Revised Code confer 4850
power on a board of township trustees or board of zoning appeals 4851
with respect to the location, erection, construction, 4852
reconstruction, change, alteration, maintenance, removal, use, or 4853
enlargement of any small wind farm, whether publicly or privately 4854
owned, or the use of land for that purpose, which regulations may 4855
be more strict than the regulations prescribed in rules adopted 4856
under division (B)(2) of section 4906.20 of the Revised Code. 4857

(C) The designation under this section of a small wind farm 4858
as a public utility for purposes of sections 519.02 to 519.25 of 4859
the Revised Code shall not affect the classification of a small 4860
wind farm or any other public utility for purposes of state or 4861
local taxation. 4862

(D) Nothing in division (C) of this section shall be 4863
construed as affecting the classification of a telecommunications 4864
tower as defined in division (B) or (E) of section 519.211 of the 4865
Revised Code or any other public utility for purposes of state and 4866

local taxation. 4867

Sec. 713.081. (A) As used in this section, "small wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts. 4868
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(B) Sections 713.06 to 713.15 of the Revised Code confer power on the legislative authority of a municipal corporation with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm as a public utility, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code. 4873
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(C) The designation under this section of a small wind farm as a public utility for purposes of sections 713.06 to 713.15 of the Revised Code shall not affect the classification of a small wind farm or any other public utility for purposes of state or local taxation. 4882
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Sec. 715.73. The area or areas to be included in a joint economic development district shall meet all of the following criteria: 4887
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(A) The area or areas shall be located within the territory of one or more of the contracting parties and may consist of all of that territory. 4890
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4892

(B) No electors shall reside within the area or areas ~~and no part of the area or areas shall be zoned for residential use on~~ the effective date of the contract creating the joint economic development district, as determined under section 715.77 of the 4893
4894
4895
4896

Revised Code. 4897

(C) The area or areas shall not include any parcel of land 4898
owned in fee by or leased to a municipal corporation or township, 4899
unless the municipal corporation or township is a contracting 4900
party or has given its consent to have the parcel of land included 4901
in the district by the adoption of an ordinance or resolution. 4902

Sec. 715.74. (A) The contract creating a joint economic 4903
development district shall provide for the amount or nature of the 4904
contribution of each contracting party to the development and 4905
operation of the district and may provide for the sharing of the 4906
costs of the operation of and improvements for the district. The 4907
contributions may be in any form to which the contracting parties 4908
agree and may include, but are not limited to, the provision of 4909
services, money, real or personal property, facilities, or 4910
equipment. The contract may provide for the contracting parties to 4911
share revenue from taxes levied on property by one or more of the 4912
contracting parties, if those revenues may lawfully be applied to 4913
that purpose under the legislation by which those taxes are 4914
levied. The contract shall specify and provide for new, expanded, 4915
or additional services, facilities, or improvements. The contract 4916
may provide for expanded or additional capacity for or other 4917
enhancement of existing services, facilities, or improvements. 4918

(B) The contract shall enumerate the specific powers, duties, 4919
and functions of the board of directors of the district described 4920
under section 715.78 of the Revised Code and shall provide for the 4921
determination of procedures that are to govern the board. 4922

(C)(1) The contract may grant to the board the power to adopt 4923
a resolution to levy an income tax within the district and the 4924
contract may ~~designate~~ designate certain portions of the district 4925
where such an income tax may be levied. The income tax shall be 4926
used for the purposes of the district or any portion of the 4927

district in which the contract authorizes an income tax and for 4928
the purposes of the contracting parties pursuant to the contract. 4929
The income tax may be levied in the district based on income 4930
earned by persons working within the district and based on the net 4931
profits of businesses located in the district, but the income of 4932
an individual who resides in the district shall not be subject to 4933
such income tax unless the income is received for personal 4934
services performed in the district. The income tax of the district 4935
shall follow the provisions of Chapter 718. of the Revised Code, 4936
except that no vote shall be required. The rate of the income tax 4937
shall be no higher than the highest rate being levied by a 4938
municipal corporation that is a contracting party. 4939

(2) If the board adopts a resolution to levy an income tax, 4940
it shall enter into an agreement with a municipal corporation that 4941
is a contracting party to administer, collect, and enforce the 4942
income tax on behalf of the district. 4943

(3) A resolution levying an income tax under this section 4944
shall require the contracting parties to annually set aside a 4945
percentage, to be stated in the resolution, of the amount of the 4946
income tax collected for the long-term maintenance of the 4947
district. 4948

(4) An income tax levied under this section shall apply in 4949
the district or any portion of the district in which the contract 4950
authorizes an income tax throughout the term of the contract 4951
creating the district, notwithstanding that all or a portion of 4952
the district becomes subject to annexation, merger, or 4953
consolidation. 4954

(D) The contract creating a joint economic development 4955
district shall continue in existence throughout its term and shall 4956
be binding on the contracting parties and on any parties 4957
succeeding to the contracting parties, whether by annexation, 4958
merger, or consolidation. Except as provided in division (E) of 4959

this section, the contract may be amended, renewed, or terminated 4960
with the approval of the contracting parties or any parties 4961
succeeding to the contracting parties. If the contract is amended 4962
to add area to an existing district, the amendment shall be 4963
adopted in the manner prescribed under section 715.761 of the 4964
Revised Code. 4965

(E) If two or more contracting parties previously have 4966
entered into a separate contract for utility services, then 4967
amendment, renewal, or termination of the separate contract for 4968
utility services shall not constitute any part of the 4969
consideration for the contract creating a joint economic 4970
development district. A contract creating a joint economic 4971
development district shall be rebuttably presumed to violate this 4972
division if it is entered into within two years prior or five 4973
years subsequent to the amendment, renewal, or termination of a 4974
separate contract for utility services that two or more 4975
contracting parties previously have entered into. The presumption 4976
stated in this division may be rebutted by clear and convincing 4977
evidence of both of the following: 4978

(1) That other substantial consideration existed to support 4979
the contract creating a joint economic development district; 4980

(2) That the contracting parties entered into the contract 4981
creating a joint economic development district freely and without 4982
duress or coercion related to the amendment, renewal, or 4983
termination of the separate contract for utility services. 4984

(F) A contract creating a joint economic development district 4985
that violates division (E) of this section is void and 4986
unenforceable. 4987

Sec. 901.42. (A) The director of agriculture may provide 4988
financial assistance to a statewide, multi-state, or national 4989
nonprofit livestock association to defray not more than fifty per 4990

cent of the rental costs of the Ohio expositions center for 4991
purposes of conducting a livestock species exhibition at the 4992
center. In order to obtain financial assistance under this 4993
division, a nonprofit livestock association shall apply to the 4994
director on a form prescribed by the director and in the manner 4995
prescribed in rules adopted under division ~~(D)~~(C) of this section. 4996

Rental cost assistance authorized by this division shall be 4997
provided subject to both of the following conditions: 4998

(1) No nonprofit livestock association shall receive in any 4999
fiscal year rental cost assistance exceeding ~~thirty-four~~ fifty per 5000
cent of the funds available to the director in that fiscal year 5001
for the purposes of this section and designated for the purpose of 5002
defraying rental costs for livestock species exhibitions. 5003

(2) The rental cost assistance shall be paid by the director 5004
to the Ohio expositions commission on behalf of the nonprofit 5005
livestock association by means of intrastate transfer voucher. 5006

If the director receives more than one application for 5007
financial assistance for rental costs, the director shall consider 5008
the cost of and local economic benefit generated by each 5009
applicant's exhibition when allocating financial assistance. 5010

~~(B) The director may allocate not more than fifty thousand 5011
dollars of the moneys available for the purposes of this section 5012
in a fiscal year to provide financial assistance to a nonprofit 5013
livestock association to defray the costs of premium awards for a 5014
national multispecies exhibition held at the Ohio expositions 5015
center. In order to obtain financial assistance under this 5016
division, a nonprofit livestock association shall apply to the 5017
director on a form prescribed by the director and in the manner 5018
prescribed in rules adopted under division (D) of this section. 5019~~

~~(C) The director may expend not more than ~~four~~ two per cent 5020
of the moneys available for the purposes of this section in a 5021~~

fiscal year to defray the costs to the department of agriculture 5022
for administering this section or to assist in recruiting 5023
livestock exhibitions to be held at the Ohio expositions center. 5024

~~(D)~~(C) The director, in accordance with Chapter 119. of the 5025
Revised Code, shall adopt rules to carry out this section, 5026
including, without limitation, rules establishing procedures for 5027
the allocation and distribution of moneys available for the 5028
purposes of this section. 5029

Sec. 1332.04. (A) No political subdivision of this state 5030
shall provide cable service over a cable system, whether bundled 5031
with other services or unbundled, except in accordance with 5032
sections 1332.01 to 1332.10 of the Revised Code. 5033

(B)(1) No political subdivision of this state that is a 5034
public cable service provider or contracts with a public cable 5035
service provider for cable service over a cable system shall, by 5036
any means, do any of the following: 5037

(a) Prefer or advantage any public cable service provider or 5038
discriminate against any private cable service provider in any 5039
material matter affecting the provision, within the jurisdiction 5040
of the political subdivision, of cable service over a cable 5041
system; 5042

(b) Fail to apply any private cable service regulation 5043
without discrimination to a public cable service provider within 5044
the jurisdiction of the political subdivision; 5045

(c) Fail to pay all applicable fees, including, but not 5046
limited to, franchise fees, permit fees, pole attachment fees, or 5047
the equivalent of any such fees; 5048

(d) Require from a person providing video service within the 5049
jurisdiction of the political subdivision any direct or in-kind 5050
charge or a payment of any kind in exchange for PEG channel 5051

programming or other content produced by the political subdivision 5052
or by an entity created by or partially supported by the political 5053
subdivision. As used in division (B)(1)(d) of this section, "PEG 5054
channel" and "video service" have the same meanings as in section 5055
1332.21 of the Revised Code. 5056

(2) Nothing in division (B)(1) of this section requires the 5057
application of a private cable service regulation to a public 5058
cable service provider if that application would be without legal 5059
or practical consequence, such as the application of a private 5060
cable service regulation requiring provision of an insurance bond, 5061
which application to a public cable service provider would require 5062
it to insure its performance to itself. 5063

(C) No political subdivision of this state that is a public 5064
cable service provider shall have extraterritorial public cable 5065
service recipients in excess of fifty per cent of the number of 5066
public cable service recipients that reside within the 5067
geographical limits of the political subdivision. Nothing in this 5068
division prohibits public cable service providers from jointly 5069
owning and operating head-end equipment. Each such public cable 5070
service provider shall pay that proportion of the full costs of 5071
owning and operating such head-end equipment, including, but not 5072
limited to, the costs of construction, acquisition, installation, 5073
improvement, enhancement, modification, financing, maintenance, 5074
repair, and operation, equal to the total population of the 5075
political subdivision that is such public cable service provider 5076
divided by the total population of all political subdivisions that 5077
are public cable service providers jointly owning and operating 5078
such head-end equipment, determined annually or with such 5079
frequency as such public cable service providers otherwise agree. 5080

(D) No political subdivision of this state that is a 5081
franchising authority shall unreasonably withhold a request by a 5082
cable service provider to transfer, modify, or renew, in 5083

accordance with the terms of the franchise and in accordance with 5084
the provisions of the "Telecommunications Act of 1996," Pub. L. 5085
No. 104-104, Title III, Section 301(i), 110 Stat. 117, 47 U.S.C.A. 5086
537, the "Cable Communications Policy Act of 1984," Pub. L. No. 5087
98-549, Section 2, 98 Stat. 2790, 47 U.S.C.A. 545, or the "Cable 5088
Television Consumer Protection and Competition Act of 1992," Pub. 5089
L. No. 102-385, Section 18, 106 Stat. 1493, 47 U.S.C.A. 546, its 5090
existing franchise to provide cable service over a cable system. 5091

Sec. 1346.03. Any information provided to the attorney 5092
general by the department of taxation in accordance with division 5093
(~~G~~)(C)(5) of section 5703.21 of the Revised Code shall not be 5094
disclosed publicly by the attorney general except when it is 5095
necessary to facilitate compliance with and enforcement of section 5096
1346.01 or 1346.02 of the Revised Code. 5097

Sec. 1561.011. ~~Nothing~~ Except as provided in section 1561.24 5098
of the Revised Code, nothing in this chapter applies to activities 5099
that are permitted and regulated under Chapter 1514. of the 5100
Revised Code. 5101

Sec. 1561.16. (A) As used in this section and sections 5102
1561.17 to 1561.21 of the Revised Code, "actual practical 5103
experience" means previous employment that involved a person's 5104
regular presence in the type of mining operation in which the 5105
experience is required to exist; participation in functions 5106
relating to the hazards involved in and the utilization of 5107
equipment, tools, and work crews and individuals for that type of 5108
mining; and regular exposure to the methods, procedures, and 5109
safety laws applicable to that type of mining. Credit of up to one 5110
year for a portion of the required experience time may be given 5111
upon documentation to the chief of the division of mineral 5112
resources management of an educational degree in a field related 5113

to mining. Credit of up to two years of the required experience 5114
time may be given upon presentation to the chief of proof of 5115
graduation from an accredited school of mines or mining after a 5116
four-year course of study with employment in the mining industry 5117
during interim breaks during the school years. 5118

(B) A person who applies for a certificate as a mine 5119
foreperson of gaseous mines shall be able to read and write the 5120
English language; shall have had at least five years' actual 5121
practical experience in the underground workings of a gaseous mine 5122
or the equivalent thereof in the judgment of the chief; and shall 5123
have had practical experience obtained by actual contact with gas 5124
in mines and have knowledge of the dangers and nature of noxious 5125
and explosive gases and ventilation of gaseous mines. An applicant 5126
for a certificate as a foreperson of gaseous mines shall meet the 5127
same requirements, except that the applicant shall have had at 5128
least three years' actual practical experience in the underground 5129
workings of a gaseous mine or the equivalent thereof in the 5130
judgment of the chief. Each applicant for examination shall pay a 5131
fee ~~of ten dollars~~ established in rules adopted under this section 5132
to the chief on the first day of such examination. ~~Any~~ 5133

(C) A person who has been issued a certificate as a mine 5134
foreperson or a foreperson of a gaseous mine and who has not 5135
worked in an underground coal mine for a period of more than two 5136
calendar years shall apply for and obtain recertification from the 5137
chief in accordance with rules adopted under this section before 5138
performing the duties of a mine foreperson or a foreperson of a 5139
gaseous mine. An applicant for recertification shall pay a fee 5140
established in rules adopted under this section at the time of 5141
application for recertification. 5142

(D) A person who has been issued a certificate as a mine 5143
foreperson or a foreperson of a gaseous mine and who has not 5144
worked in an underground coal mine for a period of one or more 5145

calendar years shall successfully complete a retraining course in 5146
accordance with rules adopted under this section before performing 5147
the duties of a mine foreperson or a foreperson of a gaseous mine. 5148

(E) The chief, in consultation with a statewide association 5149
representing the coal mining industry and a statewide association 5150
representing employees of coal mines, shall adopt rules in 5151
accordance with Chapter 119. of the Revised Code that do all of 5152
the following: 5153

(1) Prescribe requirements, criteria, and procedures for the 5154
recertification of a mine foreperson or a foreperson of a gaseous 5155
mine who has not worked in an underground coal mine for a period 5156
of more than two calendar years; 5157

(2) Prescribe requirements, criteria, and procedures for the 5158
retraining of a mine foreperson or a foreperson of a gaseous mine 5159
who has not worked in an underground coal mine for a period of one 5160
or more calendar years; 5161

(3) Establish fees for the examination and recertification of 5162
mine forepersons or forepersons of gaseous mines under this 5163
section; 5164

(4) Prescribe any other requirements, criteria, and 5165
procedures that the chief determines are necessary to administer 5166
this section. 5167

(F) Any moneys collected under this section shall be paid 5168
into the state treasury to the credit of the mining regulation 5169
fund created in section 1561.48 of the Revised Code. 5170

Sec. 1561.17. (A) A person who applies for a certificate as 5171
mine foreperson or foreperson of nongaseous mines shall be able to 5172
read and write the English language; shall have had at least three 5173
years' actual practical experience in mines, or the equivalent 5174
thereof in the judgment of the chief of the division of mineral 5175

resources management; and shall have knowledge of the dangers and 5176
nature of noxious gases. Each applicant for examination shall pay 5177
a fee ~~of ten dollars~~ established in rules adopted under this 5178
section to the chief on the first day of the examination. ~~Any~~ 5179

(B) A person who has been issued a certificate as a mine 5180
foreperson or a foreperson of a nongaseous coal mine and who has 5181
not worked in an underground coal mine for a period of more than 5182
two calendar years shall apply for and obtain recertification from 5183
the chief in accordance with rules adopted under this section 5184
before performing the duties of a mine foreperson or a foreperson 5185
of a nongaseous coal mine. An applicant for recertification shall 5186
pay a fee established in rules adopted under this section at the 5187
time of application for recertification. 5188

(C) A person who has been issued a certificate as a mine 5190
foreperson or a foreperson of a nongaseous coal mine and who has 5191
not worked in an underground coal mine for a period of one or more 5192
calendar years shall successfully complete a retraining course in 5193
accordance with rules adopted under this section before performing 5194
the duties of a mine foreperson or a foreperson of a nongaseous 5195
coal mine. 5196

(D) The chief, in consultation with a statewide association 5197
representing the coal mining industry and a statewide association 5198
representing employees of coal mines, shall adopt rules in 5199
accordance with Chapter 119. of the Revised Code that do all of 5200
the following: 5201

(1) Prescribe requirements, criteria, and procedures for the 5202
recertification of a mine foreperson or a foreperson of a 5203
nongaseous coal mine who has not worked in an underground coal 5204
mine for a period of more than two calendar years; 5205

(2) Prescribe requirements, criteria, and procedures for the 5206

retraining of a mine foreperson or a foreperson of a nongaseous coal mine who has not worked in an underground coal mine for a period of one or more calendar years; 5207
5208
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(3) Establish fees for the examination and recertification of mine forepersons or forepersons of nongaseous coal mines under this section; 5210
5211
5212

(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section. 5213
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5215

(E) Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code. 5216
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Sec. 1561.23. The chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination: 5219
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(A) Certificates for mine forepersons of gaseous mines; 5222

(B) Certificates for mine forepersons of nongaseous mines; 5223

(C) Certificates for forepersons of gaseous mines; 5224

(D) Certificates for forepersons of nongaseous mines; 5225

(E) Certificates for forepersons of surface maintenance facilities of underground or surface mines; 5226
5227

(F) Certificates for mine forepersons of surface mines; 5228

(G) Certificates for forepersons of surface mines; 5229

(H) Certificates for fire bosses; 5230

(I) Certificates for mine electricians; 5231

(J) Certificates for surface mine blasters; 5232

(K) Certificates for shot firers. 5233

Applicants for certificates shall make application to the 5234
chief, on a form provided by the chief, for examination. All 5235
applicants shall be able to read and write the English language 5236
intelligently, and shall furnish the chief with a certificate as 5237
to their character, length and description of their practical 5238
experience, and satisfactory evidence of their ability to perform 5239
the duties of the position for which they make application for 5240
examination. 5241

Any Except as provided in sections 1561.16 and 1561.17 of the 5242
Revised Code, any certificate issued by the former mine examining 5243
board prior to October 29, 1995, shall remain in effect 5244
notwithstanding the new classifications of certificates 5245
established by this section. 5246

Sec. 1561.24. For purposes of this chapter, Chapters 1563., 5247
1565., and 1567., and sections 1514.40 to 1514.50 of the Revised 5248
Code, there is hereby created in the state treasury the mine 5249
safety fund. The fund shall consist of money transferred to it by 5250
the administrator of workers' compensation from the coal-workers 5251
pneumoconiosis fund established in section 4131.03 of the Revised 5252
Code. All investment earnings of the mine safety fund shall be 5253
credited to the fund. The chief of the division of mineral 5254
resources management shall use money in the fund for all of the 5255
following purposes: 5256

(A) Mine safety and health inspections and audits; 5257

(B) The purchase and maintenance of mine rescue and 5258
inspection equipment; 5259

(C) The purchase or lease of facilities for use as mine 5260
rescue stations and for mine rescue and safety training; 5261

(D) Mine rescue and safety and health training of miners; 5262

(E) Certification and recertification of mine officials. 5263

Sec. 1561.25. The division of ~~mines and reclamation~~ mineral resources management shall establish and maintain four rescue stations. Three of such stations shall be centrally located at such places, conveniently accessible to the mines and mining areas of the state so as to cover the largest number of mines in the shortest period of time, as the chief of the division of ~~mines and reclamation~~ mineral resources management determines; and one such station may be maintained at the mine laboratory provided for in section 1561.27 of the Revised Code. In establishing such stations the chief may use quarters owned by or in the possession and control of the state, if available, or may lease other quarters therefor. Each station shall be equipped with rescue and first aid apparatus and other equipment as follows:

(A) One motor truck of sufficient capacity to carry the equipment prescribed by this section;

(B) Not less than six approved breathing apparatus, complete and in good working order;

(C) One recharging or refilling motor-driven pump for recharging oxygen cylinders;

(D) Not less than ten oxygen storage cylinders;

(E) One resuscitating outfit;

(F) Not less than five approved flame safety lamps and one lamp testing cabinet;

(G) Not less than two carbon monoxide detectors;

(H) One approved methane indicating detector;

(I) Not less than ten approved electric mine safety cap lamps complete;

(J) Charging equipment for cap lamps;

(K) Not less than five hundred feet of two-inch hose of

standard connections and nozzles complete; 5293

(L) All the equipment necessary to provide emergency medical 5294
services, including that necessary for the services of a paramedic 5295
as defined in section 4765.01 of the Revised Code, and to 5296
establish and maintain an intravenous lifeline; 5297

(M) Sufficient parts, supplies, and other necessary equipment 5298
for maintenance and operation of the equipment prescribed in this 5299
section. 5300

All equipment shall be inspected and tested weekly for 5301
efficiency and operation, and be maintained in an effective 5302
operating condition. Reports of the condition shall be sent in 5303
writing to the division of ~~mines and reclamation~~ mineral resources
management. 5304
5305

Each of ~~such~~ the stations shall at all times be in charge of 5306
an assistant superintendent of rescue stations. Each assistant 5307
superintendent shall, under the supervision of the superintendent 5308
of rescue stations, conduct classes in first aid, mine safety, 5309
rescue work, and other safety educational work for the benefit of 5310
people desiring to take the same. They shall keep the equipment 5311
prescribed in this section in good condition, and see that this 5312
equipment reaches any mine whenever it is needed as expeditiously 5313
as possible. They shall help to perform whatever duties are 5314
necessary. 5315

All such stations shall be under the direction of the 5316
superintendent. 5317

Sec. 1561.26. (A) As used in this section: 5318

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 5319
meanings as in section 4765.01 of the Revised Code. 5320

(2) "Mine medical responder" has the same meaning as in
section 1565.15 of the Revised Code. 5321
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(B) The superintendent of rescue stations, with the approval 5323
of the chief of the division of mineral resources management, 5324
shall, at each rescue station provided for in section 1561.25 of 5325
the Revised Code, train and employ rescue crews of six members 5326
each, one of whom shall hold a mine foreperson or fire boss 5327
certificate and be designated captain, and train and employ any 5328
number of such rescue crews as the superintendent believes 5329
necessary. One member of a rescue crew shall be certified as an 5330
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 5331
member of a rescue crew shall devote the time specified by the 5332
chief each month for training purposes and shall be available at 5333
all times to assist in rescue work at explosions, mine fires, and 5334
other emergencies. 5335

A captain of mine rescue crews shall receive for service as 5336
captain the sum of twenty-four dollars per month, and each member 5337
shall receive the sum of twenty dollars per month, all payable on 5338
requisition approved by the chief. When engaged in rescue work at 5339
explosions, mine fires, or other emergencies away from their 5340
station, the members of the rescue crews and captains of the same 5341
shall be paid the sum of six dollars per hour for work on the 5342
surface, which includes the time consumed by those members in 5343
traveling to and from the scene of the emergency when the scene is 5344
away from the station of the members, and the sum of seven dollars 5345
per hour for all work underground at the emergency, and in 5346
addition thereto, the necessary living expenses of the members 5347
when the emergency is away from their home station, all payable on 5348
requisition approved by the chief. 5349

Each member of a mine rescue crew shall undergo an annual 5350
medical examination. The chief may designate to perform an 5351
examination any individual authorized by the Revised Code to do 5352
so, including a physician assistant, a clinical nurse specialist, 5353
a certified nurse practitioner, or a certified nurse-midwife. In 5354

designating the individual to perform a medical examination, the 5355
chief shall choose one near the station of the member of the 5356
rescue crews. The examiner shall report the examination results to 5357
the chief and if, in the opinion of the chief, the report 5358
indicates that the member is physically unfit for further 5359
services, the chief shall relieve the member from further duty. 5360
The fee charged by the examiner for the examination shall be paid 5361
in the same manner as fees are paid to doctors employed by the 5362
industrial commission for special medical examinations. 5363

The chief may remove any member of a rescue crew for any 5364
reason. Such crews shall be subject to the orders of the chief, 5365
the superintendent, and the deputy mine inspectors when engaged in 5366
actual mine rescue work. Mine rescue crews shall, in case of death 5367
or injury when engaged in rescue work, wherever the same may 5368
occur, be paid compensation, or their dependents shall be paid 5369
death benefits, from the workers' compensation fund, in the same 5370
manner as other employees of the state. 5371

(C) In addition to the training of rescue crews, each 5372
assistant superintendent of rescue stations, with the approval of 5373
the superintendent, shall provide for and conduct safety, first 5374
aid, and rescue classes at any mine or for any group of miners who 5375
make application for the conducting of such classes. The chief may 5376
assess a fee for safety and first aid classes for the purpose of 5377
covering the costs associated with providing those classes. The 5378
chief shall establish a fee schedule for safety and first aid 5379
classes by rule adopted in accordance with Chapter 119. of the 5380
Revised Code. Fees collected under this section shall be deposited 5381
in the surface mining fund created in section 1514.06 of the 5382
Revised Code. 5383

The superintendent shall prescribe and provide for a uniform 5384
schedule of conducting such safety and rescue classes as will 5385
provide a competent knowledge of modern safety and rescue methods 5386

in, at, and about mines. 5387

(D) No member of a mine rescue crew who performs mine rescue 5388
at an underground coal mine and no operator of a mine whose 5389
employee participates as a member of such a mine rescue crew is 5390
liable in any civil action that arises under the laws of this 5391
state for damage or injury caused in the performance of rescue 5392
work at an underground coal mine. However, a member of such a mine 5393
rescue crew may be liable if the member acted with malicious 5394
purpose, in bad faith, or in a wanton or reckless manner. 5395

This division does not eliminate, limit, or reduce any 5396
immunity from civil liability that is conferred on a member of 5397
such a mine rescue crew or an operator by any other provision of 5398
the Revised Code or by case law. 5399

Sec. 1561.261. Except for civil actions in which the state is 5400
the plaintiff, no employee of the division of mineral resources 5401
management who performs rescue work at an underground coal mine is 5402
liable in any civil action that arises under the laws of this 5403
state for damage or injury caused in the performance of rescue 5404
work at an underground coal mine unless the employee acted with 5405
malicious purpose, in bad faith, or in a wanton or reckless 5406
manner. 5407

This section does not eliminate, limit, or reduce any 5408
immunity from civil liability that is conferred on an employee of 5409
the division by any other provision of the Revised Code or by case 5410
law. 5411

Sec. 1565.15. (A) As used in this section: 5412

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency medical 5413
service organization" have the same meanings as in section 4765.01 5414
of the Revised Code. 5415

(2) "First aid provider" includes a mine medical responder, 5416

an EMT-basic, an EMT-I, a paramedic, or an employee at a surface 5417
coal mine who has satisfied the training requirements established 5418
in division (D)(1) of this section. 5419

(3) "Mine medical responder" means a person who has satisfied 5420
the requirements established in rules adopted under division (E) 5421
of this section. 5422

(B) The operator of an underground coal mine where twenty or 5423
more persons are employed on a shift, including all persons 5424
working at different locations at the mine within a ten-mile 5425
radius, shall provide at least one mine medical responder, 5426
EMT-basic, or EMT-I on duty at the underground coal mine whenever 5427
employees at the mine are actively engaged in the extraction, 5428
production, or preparation of coal. The operator shall provide 5429
mine medical responders, EMTs-basic, or EMTs-I on duty at the 5430
underground coal mine at times and in numbers sufficient to ensure 5431
that no miner works in a mine location that cannot be reached 5432
within a reasonable time by a mine medical responder, an 5433
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 5434
EMTs-I shall be employed on their regular coal mining duties at 5435
locations convenient for quick response to emergencies in order to 5436
provide emergency medical services inside the underground coal 5437
mine and transportation of injured or sick employees to the 5438
entrance of the mine. The operator shall provide for the services 5439
of at least one emergency medical service organization to be 5440
available on call to reach the entrance of the underground coal 5441
mine within thirty minutes at any time that employees are engaged 5442
in the extraction, production, or preparation of coal in order to 5443
provide emergency medical services and transportation to a 5444
hospital. 5445

The operator shall make available to mine medical responders, 5446
EMTs-basic, and EMTs-I all of the equipment for first aid and 5447
emergency medical services that is necessary for those personnel 5448

to function and to comply with the regulations pertaining to first 5449
aid and emergency medical services that are adopted under the 5450
"Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 5451
U.S.C.A. 801, and amendments to it. The operator of the 5452
underground coal mine shall install telephone service or 5453
equivalent facilities that enable two-way voice communication 5454
between the mine medical responders, EMTs-basic, or EMTs-I in the 5455
mine and the emergency medical service organization outside the 5456
mine that provides emergency medical services on a regular basis. 5457

(C) The operator of a surface coal mine shall provide at 5458
least one first aid provider on duty at the mine whenever 5459
employees at the mine are actively engaged in the extraction, 5460
production, or preparation of coal. The operator shall provide 5461
first aid providers on duty at the surface coal mine at times and 5462
in numbers sufficient to ensure that no miner works in a mine 5463
location that cannot be reached within a reasonable time by a 5464
first aid provider. First aid providers shall be employed on their 5465
regular coal mining duties at locations convenient for quick 5466
response to emergencies in order to provide emergency medical 5467
services and transportation of injured or sick employees to the 5468
entrance of the surface coal mine. The operator shall provide for 5469
the services of at least one emergency medical service 5470
organization to be available on call to reach the entrance of the 5471
surface coal mine within thirty minutes at any time that employees 5472
are engaged in the extraction, production, or preparation of coal 5473
in order to provide emergency medical services and transportation 5474
to a hospital. 5475

The operator shall provide at the mine site all of the 5476
equipment for first aid and emergency medical services that is 5477
necessary for those personnel to function and to comply with the 5478
regulations pertaining to first aid and emergency medical services 5479
that are adopted under the "Federal Mine Safety and Health Act of 5480

1977," 91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. 5481

(D)(1) An employee at a surface coal mine shall be considered 5482
to be a first aid provider for the purposes of this section if the 5483
employee has received from an instructor approved by the chief of 5484
the division of mineral resources management ten hours of initial 5485
first aid training as a selected supervisory employee under 30 5486
C.F.R. 77.1703 and receives five hours of refresher first aid 5487
training as a selected supervisory employee under 30 C.F.R. 5488
77.1705 in each subsequent calendar year. 5489

(2) Each miner employed at a surface coal mine who is not a 5490
first aid provider shall receive from an instructor approved by 5491
the chief three hours of initial first aid training and two hours 5492
of refresher first aid training in each subsequent calendar year. 5493

(3) The training received in accordance with division (D) of 5494
this section shall consist of a course of instruction established 5495
in the manual issued by the mine safety and health administration 5496
in the United States department of labor entitled "first aid, a 5497
bureau of mines instruction manual" or its successor or any other 5498
curriculum approved by the chief. The training shall be included 5499
in the hours of instruction provided to miners in accordance with 5500
training requirements established under 30 C.F.R. part 48, subpart 5501
(B), as amended, and 30 C.F.R. part 77, as amended. 5502

(E) The chief, in consultation with persons certified under 5503
Chapter 4765. of the Revised Code to teach in an emergency medical 5504
services training program, shall adopt rules in accordance with 5505
Chapter 119. of the Revised Code that do all of the following: 5506

(1) Prescribe training requirements for a mine medical 5507
responder that specifically focus on treating injuries and 5508
illnesses associated with underground coal mining; 5509

(2) Prescribe an examination for a mine medical responder; 5510

(3) Prescribe continuing training requirements for a mine 5511

medical responder; 5512

(4) Establish the fee for examination for a mine medical responder; 5513
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(5) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary regarding the training, examination, and continuing training of mine medical responders. 5515
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If a person qualifies as a mine medical responder or similar classification in another state, the person may provide emergency medical services as a mine medical responder in this state without completing the training or passing the examination that is required in rules adopted under this division, provided that the chief determines that the person's qualifications from the other state satisfy all of the applicable requirements that are established in rules adopted under this division. 5519
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(F) Each operator of a surface coal mine shall establish, keep current, and make available for inspection an emergency medical plan that includes the telephone numbers of the division of mineral resources management and of an emergency medical services organization the services of which are required to be retained under division (C) of this section. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that establish any additional information required to be included in an emergency medical plan. 5527
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~~(F)~~(G) Each operator of an underground coal mine or surface coal mine shall provide or contract to obtain emergency medical services training or first aid training, as applicable, at the operator's expense, that is sufficient to train and maintain the certification of the number of employees necessary to comply with division (B) of this section and that is sufficient to train employees as required under division (D) of this section and to 5536
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comply with division (C) of this section. 5543

~~(G)~~(H) The division may provide emergency medical services 5544
training for coal mine employees by operating an emergency medical 5545
services training program accredited under section 4765.17 of the 5546
Revised Code or by contracting with the operator of an emergency 5547
medical services training program accredited under that section to 5548
provide that training. The division may charge coal mine operators 5549
a uniform part of the unit cost per trainee. 5550

~~(H)~~(I) No coal mine operator shall violate or fail to comply 5551
with this section. 5552

Sec. 1567.64. (A) As used in this section, "tag lines" and 5553
"tie-off lines" have the same meanings as in rules adopted under 5554
this section. 5555

(B) The operator of an underground coal mine shall provide 5556
tag lines or tie-off lines for each miner at the mine. The 5557
operator shall provide and employees of the mine shall use tag 5558
lines or tie-off lines in accordance with requirements and 5559
procedures established in rules adopted under this section. 5560

(C) The chief of the division of mineral resources 5561
management, in consultation with a statewide association 5562
representing the coal mining industry and a statewide association 5563
representing employees of coal mines, shall adopt rules in 5564
accordance with Chapter 119. of the Revised Code concerning the 5565
use of tag lines or tie-off lines in an underground coal mine. The 5566
rules shall include all of the following: 5567

(1) A definition of "tag line" and of "tie-off line"; 5568

(2) A description or list of acceptable tag lines and tie-off 5569
lines; 5570

(3) Procedures and requirements for the use of tag lines and 5571
tie-off lines; 5572

(4) Procedures for the approval and inspection of the use of tag lines and tie-off lines in a mine; 5573
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(5) Any other requirements concerning tag lines or tie-off lines that the chief determines are necessary. 5575
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(D) No operator of a mine shall refuse or neglect to comply with this section or rules adopted under it. 5577
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Sec. 1567.681. (A) The operator of an underground coal mine that uses conveyor belts in the operation of the mine shall install fire detection devices on each conveyor belt that is used in the mine. The fire detection devices shall be of a design and type established in rules adopted under this section. The chief of the division of mineral resources management shall inspect the fire detection devices after the operator of the mine has installed the devices on the conveyor belts that are used in the operation of the mine. The chief shall approve or disapprove the installation of the fire detection devices and shall notify the operator of the chief's decision. 5579
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(B) The chief, in consultation with a statewide association representing the coal mining industry and a statewide association representing employees of coal mines, shall adopt rules in accordance with Chapter 119. of the Revised Code concerning the installation and use of fire detection devices on conveyor belts that are used in an underground coal mine. The rules shall include all of the following: 5590
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(1) The design and types of fire detection devices that must be used on a conveyor belt in order to provide for the earliest possible detection of a fire; 5597
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(2) The number of fire detection devices that are required on a conveyor belt; 5600
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(3) A procedure for the notification of the chief after the 5602

<u>operator of a mine has installed the fire detection devices;</u>	5603
<u>(4) A procedure for the inspection of fire detection devices installed on a conveyor belt;</u>	5604
<u>(5) Any other requirements that the chief determines are necessary.</u>	5605
<u>(C) No operator of a mine shall refuse or neglect to comply with this section or rules adopted under it.</u>	5606
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Sec. 1751.01. As used in this chapter:	5608
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(A)(1) "Basic health care services" means the following services when medically necessary:	5610
(a) Physician's services, except when such services are supplemental under division (B) of this section;	5611
(b) Inpatient hospital services;	5612
(c) Outpatient medical services;	5613
(d) Emergency health services;	5614
(e) Urgent care services;	5615
(f) Diagnostic laboratory services and diagnostic and therapeutic radiologic services;	5616
(g) Diagnostic and treatment services, other than prescription drug services, for biologically based mental illnesses;	5617
(h) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care.	5618
"Basic health care services" does not include experimental procedures.	5619
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Except as provided by divisions (A)(2) and (3) of this	5621
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section in connection with the offering of coverage for diagnostic 5631
and treatment services for biologically based mental illnesses, a 5632
health insuring corporation shall not offer coverage for a health 5633
care service, defined as a basic health care service by this 5634
division, unless it offers coverage for all listed basic health 5635
care services. However, this requirement does not apply to the 5636
coverage of beneficiaries enrolled in ~~Title XVIII of the "Social~~ 5637
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 5638
medicare pursuant to a medicare contract, or to the coverage of 5639
beneficiaries enrolled in the federal employee health benefits 5640
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 5641
~~beneficiaries enrolled in Title XIX of the "Social Security Act,"~~ 5642
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the~~ 5643
~~medical assistance program or medicaid, provided by the department~~ 5644
~~of job and family services under Chapter 5111. of the Revised Code~~ 5645
recipients, or to the coverage of participants of the children's 5646
buy-in program, or to the coverage of beneficiaries under any 5647
federal health care program regulated by a federal regulatory 5648
body, or to the coverage of beneficiaries under any contract 5649
covering officers or employees of the state that has been entered 5650
into by the department of administrative services. 5651

(2) A health insuring corporation may offer coverage for 5652
diagnostic and treatment services for biologically based mental 5653
illnesses without offering coverage for all other basic health 5654
care services. A health insuring corporation may offer coverage 5655
for diagnostic and treatment services for biologically based 5656
mental illnesses alone or in combination with one or more 5657
supplemental health care services. However, a health insuring 5658
corporation that offers coverage for any other basic health care 5659
service shall offer coverage for diagnostic and treatment services 5660
for biologically based mental illnesses in combination with the 5661
offer of coverage for all other listed basic health care services. 5662

(3) A health insuring corporation that offers coverage for 5663
basic health care services is not required to offer coverage for 5664
diagnostic and treatment services for biologically based mental 5665
illnesses in combination with the offer of coverage for all other 5666
listed basic health care services if all of the following apply: 5667

(a) The health insuring corporation submits documentation 5668
certified by an independent member of the American academy of 5669
actuaries to the superintendent of insurance showing that incurred 5670
claims for diagnostic and treatment services for biologically 5671
based mental illnesses for a period of at least six months 5672
independently caused the health insuring corporation's costs for 5673
claims and administrative expenses for the coverage of basic 5674
health care services to increase by more than one per cent per 5675
year. 5676

(b) The health insuring corporation submits a signed letter 5677
from an independent member of the American academy of actuaries to 5678
the superintendent of insurance opining that the increase in costs 5679
described in division (A)(3)(a) of this section could reasonably 5680
justify an increase of more than one per cent in the annual 5681
premiums or rates charged by the health insuring corporation for 5682
the coverage of basic health care services. 5683

(c) The superintendent of insurance makes the following 5684
determinations from the documentation and opinion submitted 5685
pursuant to divisions (A)(3)(a) and (b) of this section: 5686

(i) Incurred claims for diagnostic and treatment services for 5687
biologically based mental illnesses for a period of at least six 5688
months independently caused the health insuring corporation's 5689
costs for claims and administrative expenses for the coverage of 5690
basic health care services to increase by more than one per cent 5691
per year. 5692

(ii) The increase in costs reasonably justifies an increase 5693

of more than one per cent in the annual premiums or rates charged 5694
by the health insuring corporation for the coverage of basic 5695
health care services. 5696

Any determination made by the superintendent under this 5697
division is subject to Chapter 119. of the Revised Code. 5698

(B)(1) "Supplemental health care services" means any health 5699
care services other than basic health care services that a health 5700
insuring corporation may offer, alone or in combination with 5701
either basic health care services or other supplemental health 5702
care services, and includes: 5703

(a) Services of facilities for intermediate or long-term 5704
care, or both; 5705

(b) Dental care services; 5706

(c) Vision care and optometric services including lenses and 5707
frames; 5708

(d) Podiatric care or foot care services; 5709

(e) Mental health services, excluding diagnostic and 5710
treatment services for biologically based mental illnesses; 5711

(f) Short-term outpatient evaluative and crisis-intervention 5712
mental health services; 5713

(g) Medical or psychological treatment and referral services 5714
for alcohol and drug abuse or addiction; 5715

(h) Home health services; 5716

(i) Prescription drug services; 5717

(j) Nursing services; 5718

(k) Services of a dietitian licensed under Chapter 4759. of 5719
the Revised Code; 5720

(l) Physical therapy services; 5721

(m) Chiropractic services; 5722

(n) Any other category of services approved by the 5723
superintendent of insurance. 5724

(2) If a health insuring corporation offers prescription drug 5725
services under this division, the coverage shall include 5726
prescription drug services for the treatment of biologically based 5727
mental illnesses on the same terms and conditions as other 5728
physical diseases and disorders. 5729

(C) "Specialty health care services" means one of the 5730
supplemental health care services listed in division (B) of this 5731
section, when provided by a health insuring corporation on an 5732
outpatient-only basis and not in combination with other 5733
supplemental health care services. 5734

(D) "Biologically based mental illnesses" means 5735
schizophrenia, schizoaffective disorder, major depressive 5736
disorder, bipolar disorder, paranoia and other psychotic 5737
disorders, obsessive-compulsive disorder, and panic disorder, as 5738
these terms are defined in the most recent edition of the 5739
diagnostic and statistical manual of mental disorders published by 5740
the American psychiatric association. 5741

(E) "Children's buy-in program" has the same meaning as in 5742
section 5101.5211 of the Revised Code. 5743

(F) "Closed panel plan" means a health care plan that 5744
requires enrollees to use participating providers. 5745

~~(F)~~(G) "Compensation" means remuneration for the provision of 5746
health care services, determined on other than a fee-for-service 5747
or discounted-fee-for-service basis. 5748

~~(G)~~(H) "Contractual periodic prepayment" means the formula 5749
for determining the premium rate for all subscribers of a health 5750
insuring corporation. 5751

~~(H)~~(I) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.

~~(I)~~(J) "Emergency health services" means those health care services that must be available on a seven-days-per-week, twenty-four-hours-per-day basis in order to prevent jeopardy to an enrollee's health status that would occur if such services were not received as soon as possible, and includes, where appropriate, provisions for transportation and indemnity payments or service agreements for out-of-area coverage.

~~(J)~~(K) "Enrollee" means any natural person who is entitled to receive health care benefits provided by a health insuring corporation.

~~(K)~~(L) "Evidence of coverage" means any certificate, agreement, policy, or contract issued to a subscriber that sets out the coverage and other rights to which such person is entitled under a health care plan.

~~(L)~~(M) "Health care facility" means any facility, except a health care practitioner's office, that provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, mental retardation, intermediate care, or skilled nursing services.

~~(M)~~(N) "Health care services" means basic, supplemental, and specialty health care services.

~~(N)~~(O) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis.

~~(O)~~(P) "Health insuring corporation" means a corporation, as defined in division ~~(H)~~(I) of this section, that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses,

or provides, delivers, arranges for, or otherwise makes available, 5783
basic health care services, supplemental health care services, or 5784
specialty health care services, or a combination of basic health 5785
care services and either supplemental health care services or 5786
specialty health care services, through either an open panel plan 5787
or a closed panel plan. 5788

"Health insuring corporation" does not include a limited 5789
liability company formed pursuant to Chapter 1705. of the Revised 5790
Code, an insurer licensed under Title XXXIX of the Revised Code if 5791
that insurer offers only open panel plans under which all 5792
providers and health care facilities participating receive their 5793
compensation directly from the insurer, a corporation formed by or 5794
on behalf of a political subdivision or a department, office, or 5795
institution of the state, or a public entity formed by or on 5796
behalf of a board of county commissioners, a county board of 5797
mental retardation and developmental disabilities, an alcohol and 5798
drug addiction services board, a board of alcohol, drug addiction, 5799
and mental health services, or a community mental health board, as 5800
those terms are used in Chapters 340. and 5126. of the Revised 5801
Code. Except as provided by division (D) of section 1751.02 of the 5802
Revised Code, or as otherwise provided by law, no board, 5803
commission, agency, or other entity under the control of a 5804
political subdivision may accept insurance risk in providing for 5805
health care services. However, nothing in this division shall be 5806
construed as prohibiting such entities from purchasing the 5807
services of a health insuring corporation or a third-party 5808
administrator licensed under Chapter 3959. of the Revised Code. 5809

~~(P)~~(Q) "Intermediary organization" means a health delivery 5810
network or other entity that contracts with licensed health 5811
insuring corporations or self-insured employers, or both, to 5812
provide health care services, and that enters into contractual 5813
arrangements with other entities for the provision of health care 5814

services for the purpose of fulfilling the terms of its contracts 5815
with the health insuring corporations and self-insured employers. 5816

~~(Q)~~(R) "Intermediate care" means residential care above the 5817
level of room and board for patients who require personal 5818
assistance and health-related services, but who do not require 5819
skilled nursing care. 5820

~~(R)~~(S) "Medicaid" has the same meaning as in section 5111.01 5821
of the Revised Code. 5822

(T) "Medical record" means the personal information that 5823
relates to an individual's physical or mental condition, medical 5824
history, or medical treatment. 5825

~~(S)~~(U) "Medicare" means the program established under Title 5826
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 5827
1395, as amended. 5828

(V)(1) "Open panel plan" means a health care plan that 5829
provides incentives for enrollees to use participating providers 5830
and that also allows enrollees to use providers that are not 5831
participating providers. 5832

(2) No health insuring corporation may offer an open panel 5833
plan, unless the health insuring corporation is also licensed as 5834
an insurer under Title XXXIX of the Revised Code, the health 5835
insuring corporation, on June 4, 1997, holds a certificate of 5836
authority or license to operate under Chapter 1736. or 1740. of 5837
the Revised Code, or an insurer licensed under Title XXXIX of the 5838
Revised Code is responsible for the out-of-network risk as 5839
evidenced by both an evidence of coverage filing under section 5840
1751.11 of the Revised Code and a policy and certificate filing 5841
under section 3923.02 of the Revised Code. 5842

~~(T)~~(W) "Panel" means a group of providers or health care 5843
facilities that have joined together to deliver health care 5844
services through a contractual arrangement with a health insuring 5845

corporation, employer group, or other payor. 5846

~~(U)~~(X) "Person" has the same meaning as in section 1.59 of 5847
the Revised Code, and, unless the context otherwise requires, 5848
includes any insurance company holding a certificate of authority 5849
under Title XXXIX of the Revised Code, any subsidiary and 5850
affiliate of an insurance company, and any government agency. 5851

~~(V)~~(Y) "Premium rate" means any set fee regularly paid by a 5852
subscriber to a health insuring corporation. A "premium rate" does 5853
not include a one-time membership fee, an annual administrative 5854
fee, or a nominal access fee, paid to a managed health care system 5855
under which the recipient of health care services remains solely 5856
responsible for any charges accessed for those services by the 5857
provider or health care facility. 5858

~~(W)~~(Z) "Primary care provider" means a provider that is 5859
designated by a health insuring corporation to supervise, 5860
coordinate, or provide initial care or continuing care to an 5861
enrollee, and that may be required by the health insuring 5862
corporation to initiate a referral for specialty care and to 5863
maintain supervision of the health care services rendered to the 5864
enrollee. 5865

~~(X)~~(AA) "Provider" means any natural person or partnership of 5866
natural persons who are licensed, certified, accredited, or 5867
otherwise authorized in this state to furnish health care 5868
services, or any professional association organized under Chapter 5869
1785. of the Revised Code, provided that nothing in this chapter 5870
or other provisions of law shall be construed to preclude a health 5871
insuring corporation, health care practitioner, or organized 5872
health care group associated with a health insuring corporation 5873
from employing certified nurse practitioners, certified nurse 5874
anesthetists, clinical nurse specialists, certified nurse 5875
midwives, dietitians, physician assistants, dental assistants, 5876
dental hygienists, optometric technicians, or other allied health 5877

personnel who are licensed, certified, accredited, or otherwise 5878
authorized in this state to furnish health care services. 5879

~~(Y)~~(BB) "Provider sponsored organization" means a 5880
corporation, as defined in division ~~(H)~~(I) of this section, that 5881
is at least eighty per cent owned or controlled by one or more 5882
hospitals, as defined in section 3727.01 of the Revised Code, or 5883
one or more physicians licensed to practice medicine or surgery or 5884
osteopathic medicine and surgery under Chapter 4731. of the 5885
Revised Code, or any combination of such physicians and hospitals. 5886
Such control is presumed to exist if at least eighty per cent of 5887
the voting rights or governance rights of a provider sponsored 5888
organization are directly or indirectly owned, controlled, or 5889
otherwise held by any combination of the physicians and hospitals 5890
described in this division. 5891

~~(Z)~~(CC) "Solicitation document" means the written materials 5892
provided to prospective subscribers or enrollees, or both, and 5893
used for advertising and marketing to induce enrollment in the 5894
health care plans of a health insuring corporation. 5895

~~(AA)~~(DD) "Subscriber" means a person who is responsible for 5896
making payments to a health insuring corporation for participation 5897
in a health care plan, or an enrollee whose employment or other 5898
status is the basis of eligibility for enrollment in a health 5899
insuring corporation. 5900

~~(BB)~~(EE) "Urgent care services" means those health care 5901
services that are appropriately provided for an unforeseen 5902
condition of a kind that usually requires medical attention 5903
without delay but that does not pose a threat to the life, limb, 5904
or permanent health of the injured or ill person, and may include 5905
such health care services provided out of the health insuring 5906
corporation's approved service area pursuant to indemnity payments 5907
or service agreements. 5908

Sec. 1751.04. (A) Except as provided by division (F) of this section, upon the receipt by the superintendent of insurance of a complete application for a certificate of authority to establish or operate a health insuring corporation, which application sets forth or is accompanied by the information and documents required by division (A) of section 1751.03 of the Revised Code, the superintendent shall transmit copies of the application and accompanying documents to the director of health.

(B) The director shall review the application and accompanying documents and make findings as to whether the applicant for a certificate of authority has done all of the following with respect to any basic health care services and supplemental health care services to be furnished:

(1) Demonstrated the willingness and potential ability to ensure that all basic health care services and supplemental health care services described in the evidence of coverage will be provided to all its enrollees as promptly as is appropriate and in a manner that assures continuity;

(2) Made effective arrangements to ensure that its enrollees have reliable access to qualified providers in those specialties that are generally available in the geographic area or areas to be served by the applicant and that are necessary to provide all basic health care services and supplemental health care services described in the evidence of coverage;

(3) Made appropriate arrangements for the availability of short-term health care services in emergencies within the geographic area or areas to be served by the applicant, twenty-four hours per day, seven days per week, and for the provision of adequate coverage whenever an out-of-area emergency arises;

(4) Made appropriate arrangements for an ongoing evaluation

and assurance of the quality of health care services provided to 5940
enrollees, including, if applicable, the development of a quality 5941
assurance program complying with the requirements of sections 5942
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 5943
personnel, facilities, and equipment by or through which the 5944
services are rendered; 5945

(5) Developed a procedure to gather and report statistics 5946
relating to the cost and effectiveness of its operations, the 5947
pattern of utilization of its services, and the quality, 5948
availability, and accessibility of its services. 5949

(C) Within ninety days of the director's receipt of the 5950
application for issuance of a certificate of authority, the 5951
director shall certify to the superintendent whether or not the 5952
applicant meets the requirements of division (B) of this section 5953
and sections 3702.51 to 3702.62 of the Revised Code. If the 5954
director certifies that the applicant does not meet these 5955
requirements, the director shall specify in what respects it is 5956
deficient. However, the director shall not certify that the 5957
requirements of this section are not met unless the applicant has 5958
been given an opportunity for a hearing. 5959

(D) If the applicant requests a hearing, the director shall 5960
hold a hearing before certifying that the applicant does not meet 5961
the requirements of this section. The hearing shall be held in 5962
accordance with Chapter 119. of the Revised Code. 5963

(E) The ninety-day review period provided for under division 5964
(C) of this section shall cease to run as of the date on which the 5965
notice of the applicant's right to request a hearing is mailed and 5966
shall remain suspended until the director issues a final 5967
certification order. 5968

(F) Nothing in this section requires the director to review 5969
or make findings with regard to an application and accompanying 5970

documents to establish or operate a any of the following: 5971

(1) A health insuring corporation to cover solely medicaid 5972
recipients of assistance under the medicaid program operated 5973
pursuant to Chapter 5111. of the Revised Code, a 5974

(2) A health insuring corporation to cover solely recipients 5975
of assistance under the federal medicare program under Title XVIII 5976
of the "Social Security Act," 49 Stat. 62 (1935), 42 U.S.C. 301, 5977
as amended, or a beneficiaries; 5978

(3) A health insuring corporation to cover solely medicaid 5979
recipients of assistance under both the medicaid and medicare 5980
programs beneficiaries; 5981

(4) A health insuring corporation to cover solely 5982
participants of the children's buy-in program; 5983

(5) A health insuring corporation to cover solely medicaid 5984
recipients and participants of the children's buy-in program; 5985

(6) A health insuring corporation to cover solely medicaid 5986
recipients, medicare beneficiaries, and participants of the 5987
children's buy-in program. 5988

Sec. 1751.05. (A) The superintendent of insurance shall issue 5989
or deny a certificate of authority to health insuring corporations 5990
within the deadlines specified as follows: 5991

(1) For a health insuring corporation filing an application 5992
pursuant to section 1751.03 of the Revised Code, forty-five days 5993
from the superintendent's receipt of the certification from the 5994
director of health under division (C) of section 1751.04 of the 5995
Revised Code; 5996

~~(2) For a health insuring corporation that covers solely~~ 5997
~~recipients of assistance under the medicaid program operated~~ 5998
~~pursuant to Chapter 5111. of the Revised Code, one One hundred~~ 5999
thirty-five days from the superintendent's receipt of a complete 6000

application and accompanying documents if the health insuring 6001
corporation is to cover solely the following: 6002

(a) Medicaid recipients; 6003

(b) Medicare beneficiaries; 6004

(c) Medicaid recipients and medicare beneficiaries; 6005

(d) Participants of the children's buy-in program; 6006

(e) Medicaid recipients and participants of the children's 6007
buy-in program; 6008

(f) Medicaid recipients, medicare beneficiaries, and 6009
participants of the children's buy-in program. 6010

(B) A certificate of authority shall be issued upon payment 6011
of the application fee prescribed in section 1751.44 of the 6012
Revised Code if the superintendent is satisfied that the following 6013
conditions are met: 6014

(1) The persons responsible for the conduct of the affairs of 6015
the applicant are competent, trustworthy, and possess good 6016
reputations. 6017

(2) The director certifies, in accordance with division (C) 6018
of section 1751.04 of the Revised Code, that the organization's 6019
proposed plan of operation meets the requirements of division (B) 6020
of that section and sections 3702.51 to 3702.62 of the Revised 6021
Code. If, after the director has certified compliance, the 6022
application is amended in a manner that affects its approval under 6023
section 1751.04 of the Revised Code, the superintendent shall 6024
request the director to review and recertify the amended plan of 6025
operation. Within forty-five days of receipt of the amended plan 6026
from the superintendent, the director shall certify to the 6027
superintendent, pursuant to section 1751.04 of the Revised Code, 6028
whether or not the amended plan meets the requirements of section 6029
1751.04 of the Revised Code. The superintendent's forty-five-day 6030

review period shall cease to run as of the date on which the 6031
amended plan is transmitted to the director and shall remain 6032
suspended until the superintendent receives a new certification 6033
from the director. 6034

(3) The applicant constitutes an appropriate mechanism to 6035
effectively provide or arrange for the provision of the basic 6036
health care services, supplemental health care services, or 6037
specialty health care services to be provided to enrollees. 6038

(4) The applicant is financially responsible, complies with 6039
section 1751.28 of the Revised Code, and may reasonably be 6040
expected to meet its obligations to enrollees and prospective 6041
enrollees. In making this determination, the superintendent may 6042
consider: 6043

(a) The financial soundness of the applicant's arrangements 6044
for health care services, including the applicant's proposed 6045
contractual periodic prepayments or premiums and the use of 6046
copayments and deductibles; 6047

(b) The adequacy of working capital; 6048

(c) Any agreement with an insurer, a government, or any other 6049
person for insuring the payment of the cost of health care 6050
services or providing for automatic applicability of an 6051
alternative coverage in the event of discontinuance of the health 6052
insuring corporation's operations; 6053

(d) Any agreement with providers or health care facilities 6054
for the provision of health care services; 6055

(e) Any deposit of securities submitted in accordance with 6056
section 1751.27 of the Revised Code as a guarantee that the 6057
obligations will be performed. 6058

(5) The applicant has submitted documentation of an 6059
arrangement to provide health care services to its enrollees until 6060

the expiration of the enrollees' contracts with the applicant if a health care plan or the operations of the health insuring corporation are discontinued prior to the expiration of the enrollees' contracts. An arrangement to provide health care services may be made by using any one, or any combination, of the following methods:

(a) The maintenance of insolvency insurance;

(b) A provision in contracts with providers and health care facilities, but no health insuring corporation shall rely solely on such a provision for more than thirty days;

(c) An agreement with other health insuring corporations or insurers, providing enrollees with automatic conversion rights upon the discontinuation of a health care plan or the health insuring corporation's operations;

(d) Such other methods as approved by the superintendent.

(6) Nothing in the applicant's proposed method of operation, as shown by the information submitted pursuant to section 1751.03 of the Revised Code or by independent investigation, will cause harm to an enrollee or to the public at large, as determined by the superintendent.

(7) Any deficiencies certified by the director have been corrected.

(8) The applicant has deposited securities as set forth in section 1751.27 of the Revised Code.

(C) If an applicant elects to fulfill the requirements of division (A)(5) of this section through an agreement with other health insuring corporations or insurers, the agreement shall require those health insuring corporations or insurers to give thirty days' notice to the superintendent prior to cancellation or discontinuation of the agreement for any reason.

(D) A certificate of authority shall be denied only after 6091
compliance with the requirements of section 1751.36 of the Revised 6092
Code. 6093

Sec. 1751.11. (A) Every subscriber of a health insuring 6094
corporation is entitled to an evidence of coverage for the health 6095
care plan under which health care benefits are provided. 6096

(B) Every subscriber of a health insuring corporation that 6097
offers basic health care services is entitled to an identification 6098
card or similar document that specifies the health insuring 6099
corporation's name as stated in its articles of incorporation, and 6100
any trade or fictitious names used by the health insuring 6101
corporation. The identification card or document shall list at 6102
least one toll-free telephone number that provides the subscriber 6103
with access, to information on a twenty-four-hours-per-day, 6104
seven-days-per-week basis, as to how health care services may be 6105
obtained. The identification card or document shall also list at 6106
least one toll-free number that, during normal business hours, 6107
provides the subscriber with access to information on the coverage 6108
available under the subscriber's health care plan and information 6109
on the health care plan's internal and external review processes. 6110

(C) No evidence of coverage, or amendment to the evidence of 6111
coverage, shall be delivered, issued for delivery, renewed, or 6112
used, until the form of the evidence of coverage or amendment has 6113
been filed by the health insuring corporation with the 6114
superintendent of insurance. If the superintendent does not 6115
disapprove the evidence of coverage or amendment within sixty days 6116
after it is filed it shall be deemed approved, unless the 6117
superintendent sooner gives approval for the evidence of coverage 6118
or amendment. With respect to an amendment to an approved evidence 6119
of coverage, the superintendent only may disapprove provisions 6120
amended or added to the evidence of coverage. If the 6121

superintendent determines within the sixty-day period that any 6122
evidence of coverage or amendment fails to meet the requirements 6123
of this section, the superintendent shall so notify the health 6124
insuring corporation and it shall be unlawful for the health 6125
insuring corporation to use such evidence of coverage or 6126
amendment. At any time, the superintendent, upon at least thirty 6127
days' written notice to a health insuring corporation, may 6128
withdraw an approval, deemed or actual, of any evidence of 6129
coverage or amendment on any of the grounds stated in this 6130
section. Such disapproval shall be effected by a written order, 6131
which shall state the grounds for disapproval and shall be issued 6132
in accordance with Chapter 119. of the Revised Code. 6133

(D) No evidence of coverage or amendment shall be delivered, 6134
issued for delivery, renewed, or used: 6135

(1) If it contains provisions or statements that are 6136
inequitable, untrue, misleading, or deceptive; 6137

(2) Unless it contains a clear, concise, and complete 6138
statement of the following: 6139

(a) The health care services and insurance or other benefits, 6140
if any, to which an enrollee is entitled under the health care 6141
plan; 6142

(b) Any exclusions or limitations on the health care 6143
services, type of health care services, benefits, or type of 6144
benefits to be provided, including copayments and deductibles; 6145

(c) An enrollee's personal financial obligation for 6146
noncovered services; 6147

(d) Where and in what manner general information and 6148
information as to how health care services may be obtained is 6149
available, including a toll-free telephone number; 6150

(e) The premium rate with respect to individual and 6151

conversion contracts, and relevant copayment and deductible 6152
provisions with respect to all contracts. The statement of the 6153
premium rate, however, may be contained in a separate insert. 6154

(f) The method utilized by the health insuring corporation 6155
for resolving enrollee complaints; 6156

(g) The utilization review, internal review, and external 6157
review procedures established under sections 1751.77 to 1751.85 of 6158
the Revised Code. 6159

(3) Unless it provides for the continuation of an enrollee's 6160
coverage, in the event that the enrollee's coverage under the 6161
group policy, contract, certificate, or agreement terminates while 6162
the enrollee is receiving inpatient care in a hospital. This 6163
continuation of coverage shall terminate at the earliest 6164
occurrence of any of the following: 6165

(a) The enrollee's discharge from the hospital; 6166

(b) The determination by the enrollee's attending physician 6167
that inpatient care is no longer medically indicated for the 6168
enrollee; however, nothing in division (D)(3)(b) of this section 6169
precludes a health insuring corporation from engaging in 6170
utilization review as described in the evidence of coverage. 6171

(c) The enrollee's reaching the limit for contractual 6172
benefits; 6173

(d) The effective date of any new coverage. 6174

(4) Unless it contains a provision that states, in substance, 6175
that the health insuring corporation is not a member of any 6176
guaranty fund, and that in the event of the health insuring 6177
corporation's insolvency, an enrollee is protected only to the 6178
extent that the hold harmless provision required by section 6179
1751.13 of the Revised Code applies to the health care services 6180
rendered; 6181

(5) Unless it contains a provision that states, in substance, 6182
that in the event of the insolvency of the health insuring 6183
corporation, an enrollee may be financially responsible for health 6184
care services rendered by a provider or health care facility that 6185
is not under contract to the health insuring corporation, whether 6186
or not the health insuring corporation authorized the use of the 6187
provider or health care facility. 6188

(E) Notwithstanding divisions (C) and (D) of this section, a 6189
health insuring corporation may use an evidence of coverage that 6190
provides for the coverage of beneficiaries enrolled in ~~Title XVIII~~ 6191
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 6192
~~301, as amended, medicare~~ pursuant to a medicare contract, or an 6193
evidence of coverage that provides for the coverage of 6194
beneficiaries enrolled in the federal employees health benefits 6195
program pursuant to 5 U.S.C.A. 8905, or an evidence of coverage 6196
that provides for the coverage of ~~beneficiaries enrolled in Title~~ 6197
~~XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 6198
~~301, as amended, known as the medical assistance program or~~ 6199
~~medicaid, provided by the Ohio department of job and family~~ 6200
~~services under Chapter 5111. of the Revised Code recipients, or an~~ 6201
evidence of coverage that provides for coverage of participants of 6202
the children's buy-in program, or an evidence of coverage that 6203
provides for the coverage of beneficiaries under any other federal 6204
health care program regulated by a federal regulatory body, or an 6205
evidence of coverage that provides for the coverage of 6206
beneficiaries under any contract covering officers or employees of 6207
the state that has been entered into by the department of 6208
administrative services, if both of the following apply: 6209

(1) The evidence of coverage has been approved by the United 6210
States department of health and human services, the United States 6211
office of personnel management, the Ohio department of job and 6212
family services, or the department of administrative services. 6213

(2) The evidence of coverage is filed with the superintendent 6214
of insurance prior to use and is accompanied by documentation of 6215
approval from the United States department of health and human 6216
services, the United States office of personnel management, the 6217
Ohio department of job and family services, or the department of 6218
administrative services. 6219

Sec. 1751.111. (A)(1) This section applies to both of the 6220
following: 6221

(a) A health insuring corporation that issues or requires the 6222
use of a standardized identification card or an electronic 6223
technology for submission and routing of prescription drug claims 6224
pursuant to a policy, contract, or agreement for health care 6225
services; 6226

(b) A person or entity that a health insuring corporation 6227
contracts with to issue a standardized identification card or an 6228
electronic technology described in division (A)(1)(a) of this 6229
section. 6230

(2) Notwithstanding division (A)(1) of this section, this 6231
section does not apply to the issuance or required use of a 6232
standardized identification card or an electronic technology for 6233
submission and routing of prescription drug claims in connection 6234
with any of the following: 6235

(a) Coverage provided under the medicare advantage program 6236
operated pursuant to Part C of Title XVIII of the "Social Security 6237
Act," 49 Stat. 62 (1935), 42 U.S.C. 301, as amended. 6238

(b) Coverage provided under medicaid, ~~as defined in section~~ 6239
~~5111.01 of the Revised Code.~~ 6240

(c) Coverage provided under the children's buy-in program. 6241

(d) Coverage provided under an employer's self-insurance plan 6242
or by any of its administrators, as defined in section 3959.01 of 6243

the Revised Code, to the extent that federal law supersedes, 6244
preempts, prohibits, or otherwise precludes the application of 6245
this section to the plan and its administrators. 6246

(B) A standardized identification card or an electronic 6247
technology issued or required to be used as provided in division 6248
(A)(1) of this section shall contain uniform prescription drug 6249
information in accordance with either division (B)(1) or (2) of 6250
this section. 6251

(1) The standardized identification card or the electronic 6252
technology shall be in a format and contain information fields 6253
approved by the national council for prescription drug programs or 6254
a successor organization, as specified in the council's or 6255
successor organization's pharmacy identification card 6256
implementation guide in effect on the first day of October most 6257
immediately preceding the issuance or required use of the 6258
standardized identification card or the electronic technology. 6259

(2) If the health insuring corporation or the person under 6260
contract with the corporation to issue a standardized 6261
identification card or an electronic technology requires the 6262
information for the submission and routing of a claim, the 6263
standardized identification card or the electronic technology 6264
shall contain any of the following information: 6265

(a) The health insuring corporation's name; 6266

(b) The subscriber's name, group number, and identification 6267
number; 6268

(c) A telephone number to inquire about pharmacy-related 6269
issues; 6270

(d) The issuer's international identification number, labeled 6271
as "ANSI BIN" or "RxBIN"; 6272

(e) The processor's control number, labeled as "RxPCN"; 6273

(f) The subscriber's pharmacy benefits group number if 6274
different from the subscriber's medical group number, labeled as 6275
"RxGrp." 6276

(C) If the standardized identification card or the electronic 6277
technology issued or required to be used as provided in division 6278
(A)(1) of this section is also used for submission and routing of 6279
nonpharmacy claims, the designation "Rx" is required to be 6280
included as part of the labels identified in divisions (B)(2)(d) 6281
and (e) of this section if the issuer's international 6282
identification number or the processor's control number is 6283
different for medical and pharmacy claims. 6284

(D) Each health insuring corporation described in division 6285
(A) of this section shall annually file a certificate with the 6286
superintendent of insurance certifying that it or any person it 6287
contracts with to issue a standardized identification card or 6288
electronic technology for submission and routing of prescription 6289
drug claims complies with this section. 6290

(E)(1) Except as provided in division (E)(2) of this section, 6291
if there is a change in the information contained in the 6292
standardized identification card or the electronic technology 6293
issued to a subscriber, the health insuring corporation or person 6294
under contract with the corporation to issue a standardized 6295
identification card or an electronic technology shall issue a new 6296
card or electronic technology to the subscriber. 6297

(2) A health insuring corporation or person under contract 6298
with the corporation is not required under division (E)(1) of this 6299
section to issue a new card or electronic technology to a 6300
subscriber more than once during a twelve-month period. 6301

(F) Nothing in this section shall be construed as requiring a 6302
health insuring corporation to produce more than one standardized 6303
identification card or one electronic technology for use by 6304

subscribers accessing health care benefits provided under a 6305
policy, contract, or agreement for health care services. 6306

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 6307
no premium rate for nongroup and conversion policies for health 6308
care services, or any amendment to them, may be used by any health 6309
insuring corporation at any time until the contractual periodic 6310
prepayment and premium rate, or amendment, have been filed with 6311
the superintendent of insurance, and shall not be effective until 6312
the expiration of sixty days after their filing unless the 6313
superintendent sooner gives approval. The filing shall be 6314
accompanied by an actuarial certification in the form prescribed 6315
by the superintendent. The superintendent shall disapprove the 6316
filing, if the superintendent determines within the sixty-day 6317
period that the contractual periodic prepayment or premium rate, 6318
or amendment, is not in accordance with sound actuarial principles 6319
or is not reasonably related to the applicable coverage and 6320
characteristics of the applicable class of enrollees. The 6321
superintendent shall notify the health insuring corporation of the 6322
disapproval, and it shall thereafter be unlawful for the health 6323
insuring corporation to use the contractual periodic prepayment or 6324
premium rate, or amendment. 6325

(2) No contractual periodic prepayment for group policies for 6326
health care services shall be used until the contractual periodic 6327
prepayment has been filed with the superintendent. The filing 6328
shall be accompanied by an actuarial certification in the form 6329
prescribed by the superintendent. The superintendent may reject a 6330
filing made under division (A)(2) of this section at any time, 6331
with at least thirty days' written notice to a health insuring 6332
corporation, if the contractual periodic prepayment is not in 6333
accordance with sound actuarial principles or is not reasonably 6334
related to the applicable coverage and characteristics of the 6335
applicable class of enrollees. 6336

(3) At any time, the superintendent, upon at least thirty days' written notice to a health insuring corporation, may withdraw the approval given under division (A)(1) of this section, deemed or actual, of any contractual periodic prepayment or premium rate, or amendment, based on information that either of the following applies:

(a) The contractual periodic prepayment or premium rate, or amendment, is not in accordance with sound actuarial principles.

(b) The contractual periodic prepayment or premium rate, or amendment, is not reasonably related to the applicable coverage and characteristics of the applicable class of enrollees.

(4) Any disapproval under division (A)(1) of this section, any rejection of a filing made under division (A)(2) of this section, or any withdrawal of approval under division (A)(3) of this section, shall be effected by a written notice, which shall state the specific basis for the disapproval, rejection, or withdrawal and shall be issued in accordance with Chapter 119. of the Revised Code.

(B) Notwithstanding division (A) of this section, a health insuring corporation may use a contractual periodic prepayment or premium rate for policies used for the coverage of beneficiaries enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ medicare pursuant to a medicare risk contract or medicare cost contract, or for policies used for the coverage of beneficiaries enrolled in the federal employees health benefits program pursuant to 5 U.S.C.A. 8905, or for policies used for the coverage of ~~beneficiaries enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code~~ recipients, or for policies used for coverage of participants of the children's

buy-in program, or for policies used for the coverage of 6369
beneficiaries under any other federal health care program 6370
regulated by a federal regulatory body, or for policies used for 6371
the coverage of beneficiaries under any contract covering officers 6372
or employees of the state that has been entered into by the 6373
department of administrative services, if both of the following 6374
apply: 6375

(1) The contractual periodic prepayment or premium rate has 6376
been approved by the United States department of health and human 6377
services, the United States office of personnel management, the 6378
department of job and family services, or the department of 6379
administrative services. 6380

(2) The contractual periodic prepayment or premium rate is 6381
filed with the superintendent prior to use and is accompanied by 6382
documentation of approval from the United States department of 6383
health and human services, the United States office of personnel 6384
management, the department of job and family services, or the 6385
department of administrative services. 6386

(C) The administrative expense portion of all contractual 6387
periodic prepayment or premium rate filings submitted to the 6388
superintendent for review must reflect the actual cost of 6389
administering the product. The superintendent may require that the 6390
administrative expense portion of the filings be itemized and 6391
supported. 6392

(D)(1) Copayments must be reasonable and must not be a 6393
barrier to the necessary utilization of services by enrollees. 6394

(2) A health insuring corporation, in order to ensure that 6395
copayments are reasonable and not a barrier to the necessary 6396
utilization of basic health care services by enrollees, may do one 6397
of the following: 6398

(a) Impose copayment charges on any single covered basic 6399

health care service that does not exceed forty per cent of the 6400
average cost to the health insuring corporation of providing the 6401
service; 6402

(b) Impose copayment charges that annually do not exceed 6403
twenty per cent of the total annual cost to the health insuring 6404
corporation of providing all covered basic health care services, 6405
including physician office visits, urgent care services, and 6406
emergency health services, when aggregated as to all persons 6407
covered under the filed product in question. In addition, annual 6408
copayment charges as to each enrollee shall not exceed twenty per 6409
cent of the total annual cost to the health insuring corporation 6410
of providing all covered basic health care services, including 6411
physician office visits, urgent care services, and emergency 6412
health services, as to such enrollee. The total annual cost of 6413
providing a health care service is the cost to the health insuring 6414
corporation of providing the health care service to its enrollees 6415
as reduced by any applicable provider discount. 6416

(3) To ensure that copayments are reasonable and not a 6417
barrier to the utilization of basic health care services, a health 6418
insuring corporation may not impose, in any contract year, on any 6419
subscriber or enrollee, copayments that exceed two hundred per 6420
cent of the average annual premium rate to subscribers or 6421
enrollees. 6422

(4) For purposes of division (D) of this section, both of the 6423
following apply: 6424

(a) Copayments imposed by health insuring corporations in 6425
connection with a high deductible health plan that is linked to a 6426
health savings account are reasonable and are not a barrier to the 6427
necessary utilization of services by enrollees. 6428

(b) Divisions (D)(2) and (3) of this section do not apply to 6429
a high deductible health plan that is linked to a health savings 6430

account. 6431

(E) A health insuring corporation shall not impose lifetime 6432
maximums on basic health care services. However, a health insuring 6433
corporation may establish a benefit limit for inpatient hospital 6434
services that are provided pursuant to a policy, contract, 6435
certificate, or agreement for supplemental health care services. 6436

(F) A health insuring corporation may require that an 6437
enrollee pay an annual deductible that does not exceed one 6438
thousand dollars per enrollee or two thousand dollars per family, 6439
except that: 6440

(1) A health insuring corporation may impose higher 6441
deductibles for high deductible health plans that are linked to 6442
health savings accounts; 6443

(2) The superintendent may adopt rules allowing different 6444
annual deductible amounts for plans with a medical savings 6445
account, health reimbursement arrangement, flexible spending 6446
account, or similar account; 6447

(3) A health insuring corporation may impose higher 6448
deductibles under health plans if requested by the group contract, 6449
policy, certificate, or agreement holder, or an individual seeking 6450
coverage under an individual health plan. This shall not be 6451
construed as requiring the health insuring corporation to create 6452
customized health plans for group contract holders or individuals. 6453

(G) As used in this section, "health savings account" and 6454
"high deductible health plan" have the same meanings as in the 6455
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 6456
amended. 6457

Sec. 1751.13. (A)(1)(a) A health insuring corporation shall, 6458
either directly or indirectly, enter into contracts for the 6459
provision of health care services with a sufficient number and 6460

types of providers and health care facilities to ensure that all 6461
covered health care services will be accessible to enrollees from 6462
a contracted provider or health care facility. 6463

(b) A health insuring corporation shall not refuse to 6464
contract with a physician for the provision of health care 6465
services or refuse to recognize a physician as a specialist on the 6466
basis that the physician attended an educational program or a 6467
residency program approved or certified by the American 6468
osteopathic association. A health insuring corporation shall not 6469
refuse to contract with a health care facility for the provision 6470
of health care services on the basis that the health care facility 6471
is certified or accredited by the American osteopathic association 6472
or that the health care facility is an osteopathic hospital as 6473
defined in section 3702.51 of the Revised Code. 6474

(c) Nothing in division (A)(1)(b) of this section shall be 6475
construed to require a health insuring corporation to make a 6476
benefit payment under a closed panel plan to a physician or health 6477
care facility with which the health insuring corporation does not 6478
have a contract, provided that none of the bases set forth in that 6479
division are used as a reason for failing to make a benefit 6480
payment. 6481

(2) When a health insuring corporation is unable to provide a 6482
covered health care service from a contracted provider or health 6483
care facility, the health insuring corporation must provide that 6484
health care service from a noncontracted provider or health care 6485
facility consistent with the terms of the enrollee's policy, 6486
contract, certificate, or agreement. The health insuring 6487
corporation shall either ensure that the health care service be 6488
provided at no greater cost to the enrollee than if the enrollee 6489
had obtained the health care service from a contracted provider or 6490
health care facility, or make other arrangements acceptable to the 6491
superintendent of insurance. 6492

(3) Nothing in this section shall prohibit a health insuring corporation from entering into contracts with out-of-state providers or health care facilities that are licensed, certified, accredited, or otherwise authorized in that state.

(B)(1) A health insuring corporation shall, either directly or indirectly, enter into contracts with all providers and health care facilities through which health care services are provided to its enrollees.

(2) A health insuring corporation, upon written request, shall assist its contracted providers in finding stop-loss or reinsurance carriers.

(C) A health insuring corporation shall file an annual certificate with the superintendent certifying that all provider contracts and contracts with health care facilities through which health care services are being provided contain the following:

(1) A description of the method by which the provider or health care facility will be notified of the specific health care services for which the provider or health care facility will be responsible, including any limitations or conditions on such services;

(2) The specific hold harmless provision specifying protection of enrollees set forth as follows:

"[Provider/Health Care Facility] agrees that in no event, including but not limited to nonpayment by the health insuring corporation, insolvency of the health insuring corporation, or breach of this agreement, shall [Provider/Health Care Facility] bill, charge, collect a deposit from, seek remuneration or reimbursement from, or have any recourse against, a subscriber, enrollee, person to whom health care services have been provided, or person acting on behalf of the covered enrollee, for health care services provided pursuant to this agreement. This does not

prohibit [Provider/Health Care Facility] from collecting 6524
co-insurance, deductibles, or copayments as specifically provided 6525
in the evidence of coverage, or fees for uncovered health care 6526
services delivered on a fee-for-service basis to persons 6527
referenced above, nor from any recourse against the health 6528
insuring corporation or its successor." 6529

(3) Provisions requiring the provider or health care facility 6530
to continue to provide covered health care services to enrollees 6531
in the event of the health insuring corporation's insolvency or 6532
discontinuance of operations. The provisions shall require the 6533
provider or health care facility to continue to provide covered 6534
health care services to enrollees as needed to complete any 6535
medically necessary procedures commenced but unfinished at the 6536
time of the health insuring corporation's insolvency or 6537
discontinuance of operations. The completion of a medically 6538
necessary procedure shall include the rendering of all covered 6539
health care services that constitute medically necessary follow-up 6540
care for that procedure. If an enrollee is receiving necessary 6541
inpatient care at a hospital, the provisions may limit the 6542
required provision of covered health care services relating to 6543
that inpatient care in accordance with division (D)(3) of section 6544
1751.11 of the Revised Code, and may also limit such required 6545
provision of covered health care services to the period ending 6546
thirty days after the health insuring corporation's insolvency or 6547
discontinuance of operations. 6548

The provisions required by division (C)(3) of this section 6549
shall not require any provider or health care facility to continue 6550
to provide any covered health care service after the occurrence of 6551
any of the following: 6552

(a) The end of the thirty-day period following the entry of a 6553
liquidation order under Chapter 3903. of the Revised Code; 6554

(b) The end of the enrollee's period of coverage for a 6555

contractual prepayment or premium; 6556

(c) The enrollee obtains equivalent coverage with another 6557
health insuring corporation or insurer, or the enrollee's employer 6558
obtains such coverage for the enrollee; 6559

(d) The enrollee or the enrollee's employer terminates 6560
coverage under the contract; 6561

(e) A liquidator effects a transfer of the health insuring 6562
corporation's obligations under the contract under division (A)(8) 6563
of section 3903.21 of the Revised Code. 6564

(4) A provision clearly stating the rights and 6565
responsibilities of the health insuring corporation, and of the 6566
contracted providers and health care facilities, with respect to 6567
administrative policies and programs, including, but not limited 6568
to, payments systems, utilization review, quality assurance, 6569
assessment, and improvement programs, credentialing, 6570
confidentiality requirements, and any applicable federal or state 6571
programs; 6572

(5) A provision regarding the availability and 6573
confidentiality of those health records maintained by providers 6574
and health care facilities to monitor and evaluate the quality of 6575
care, to conduct evaluations and audits, and to determine on a 6576
concurrent or retrospective basis the necessity of and 6577
appropriateness of health care services provided to enrollees. The 6578
provision shall include terms requiring the provider or health 6579
care facility to make these health records available to 6580
appropriate state and federal authorities involved in assessing 6581
the quality of care or in investigating the grievances or 6582
complaints of enrollees, and requiring the provider or health care 6583
facility to comply with applicable state and federal laws related 6584
to the confidentiality of medical or health records. 6585

(6) A provision that states that contractual rights and 6586

responsibilities may not be assigned or delegated by the provider 6587
or health care facility without the prior written consent of the 6588
health insuring corporation; 6589

(7) A provision requiring the provider or health care 6590
facility to maintain adequate professional liability and 6591
malpractice insurance. The provision shall also require the 6592
provider or health care facility to notify the health insuring 6593
corporation not more than ten days after the provider's or health 6594
care facility's receipt of notice of any reduction or cancellation 6595
of such coverage. 6596

(8) A provision requiring the provider or health care 6597
facility to observe, protect, and promote the rights of enrollees 6598
as patients; 6599

(9) A provision requiring the provider or health care 6600
facility to provide health care services without discrimination on 6601
the basis of a patient's participation in the health care plan, 6602
age, sex, ethnicity, religion, sexual preference, health status, 6603
or disability, and without regard to the source of payments made 6604
for health care services rendered to a patient. This requirement 6605
shall not apply to circumstances when the provider or health care 6606
facility appropriately does not render services due to limitations 6607
arising from the provider's or health care facility's lack of 6608
training, experience, or skill, or due to licensing restrictions. 6609

(10) A provision containing the specifics of any obligation 6610
on the primary care provider to provide, or to arrange for the 6611
provision of, covered health care services twenty-four hours per 6612
day, seven days per week; 6613

(11) A provision setting forth procedures for the resolution 6614
of disputes arising out of the contract; 6615

(12) A provision stating that the hold harmless provision 6616
required by division (C)(2) of this section shall survive the 6617

termination of the contract with respect to services covered and 6618
provided under the contract during the time the contract was in 6619
effect, regardless of the reason for the termination, including 6620
the insolvency of the health insuring corporation; 6621

(13) A provision requiring those terms that are used in the 6622
contract and that are defined by this chapter, be used in the 6623
contract in a manner consistent with those definitions. 6624

This division does not apply to the coverage of beneficiaries 6625
enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 6626
~~(1935), 42 U.S.C.A. 301, as amended, medicare~~ pursuant to a 6627
medicare risk contract or medicare cost contract, or to the 6628
coverage of beneficiaries enrolled in the federal employee health 6629
benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage 6630
of ~~beneficiaries enrolled in Title XIX of the "Social Security~~ 6631
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as~~ 6632
~~the medical assistance program or medicaid, provided by the~~ 6633
~~department of job and family services under Chapter 5111. of the~~ 6634
~~Revised Code recipients,~~ or to the coverage of beneficiaries under 6635
any federal health care program regulated by a federal regulatory 6636
body, or to the coverage of participants of the children's buy-in 6637
program, or to the coverage of beneficiaries under any contract 6638
covering officers or employees of the state that has been entered 6639
into by the department of administrative services. 6640

(D)(1) No health insuring corporation contract with a 6641
provider or health care facility shall contain any of the 6642
following: 6643

(a) A provision that directly or indirectly offers an 6644
inducement to the provider or health care facility to reduce or 6645
limit medically necessary health care services to a covered 6646
enrollee; 6647

(b) A provision that penalizes a provider or health care 6648

facility that assists an enrollee to seek a reconsideration of the 6649
health insuring corporation's decision to deny or limit benefits 6650
to the enrollee; 6651

(c) A provision that limits or otherwise restricts the 6652
provider's or health care facility's ethical and legal 6653
responsibility to fully advise enrollees about their medical 6654
condition and about medically appropriate treatment options; 6655

(d) A provision that penalizes a provider or health care 6656
facility for principally advocating for medically necessary health 6657
care services; 6658

(e) A provision that penalizes a provider or health care 6659
facility for providing information or testimony to a legislative 6660
or regulatory body or agency. This shall not be construed to 6661
prohibit a health insuring corporation from penalizing a provider 6662
or health care facility that provides information or testimony 6663
that is libelous or slanderous or that discloses trade secrets 6664
which the provider or health care facility has no privilege or 6665
permission to disclose. 6666

(f) A provision that violates Chapter 3963. of the Revised 6667
Code. 6668

(2) Nothing in this division shall be construed to prohibit a 6669
health insuring corporation from doing either of the following: 6670

(a) Making a determination not to reimburse or pay for a 6671
particular medical treatment or other health care service; 6672

(b) Enforcing reasonable peer review or utilization review 6673
protocols, or determining whether a particular provider or health 6674
care facility has complied with these protocols. 6675

(E) Any contract between a health insuring corporation and an 6676
intermediary organization shall clearly specify that the health 6677
insuring corporation must approve or disapprove the participation 6678

of any provider or health care facility with which the 6679
intermediary organization contracts. 6680

(F) If an intermediary organization that is not a health 6681
delivery network contracting solely with self-insured employers 6682
subcontracts with a provider or health care facility, the 6683
subcontract with the provider or health care facility shall do all 6684
of the following: 6685

(1) Contain the provisions required by divisions (C) and (G) 6686
of this section, as made applicable to an intermediary 6687
organization, without the inclusion of inducements or penalties 6688
described in division (D) of this section; 6689

(2) Acknowledge that the health insuring corporation is a 6690
third-party beneficiary to the agreement; 6691

(3) Acknowledge the health insuring corporation's role in 6692
approving the participation of the provider or health care 6693
facility, pursuant to division (E) of this section. 6694

(G) Any provider contract or contract with a health care 6695
facility shall clearly specify the health insuring corporation's 6696
statutory responsibility to monitor and oversee the offering of 6697
covered health care services to its enrollees. 6698

(H)(1) A health insuring corporation shall maintain its 6699
provider contracts and its contracts with health care facilities 6700
at one or more of its places of business in this state, and shall 6701
provide copies of these contracts to facilitate regulatory review 6702
upon written notice by the superintendent of insurance. 6703

(2) Any contract with an intermediary organization that 6704
accepts compensation shall include provisions requiring the 6705
intermediary organization to provide the superintendent with 6706
regulatory access to all books, records, financial information, 6707
and documents related to the provision of health care services to 6708
subscribers and enrollees under the contract. The contract shall 6709

require the intermediary organization to maintain such books, 6710
records, financial information, and documents at its principal 6711
place of business in this state and to preserve them for at least 6712
three years in a manner that facilitates regulatory review. 6713

(I)(1) A health insuring corporation shall notify its 6714
affected enrollees of the termination of a contract for the 6715
provision of health care services between the health insuring 6716
corporation and a primary care physician or hospital, by mail, 6717
within thirty days after the termination of the contract. 6718

(a) Notice shall be given to subscribers of the termination 6719
of a contract with a primary care physician if the subscriber, or 6720
a dependent covered under the subscriber's health care coverage, 6721
has received health care services from the primary care physician 6722
within the previous twelve months or if the subscriber or 6723
dependent has selected the physician as the subscriber's or 6724
dependent's primary care physician within the previous twelve 6725
months. 6726

(b) Notice shall be given to subscribers of the termination 6727
of a contract with a hospital if the subscriber, or a dependent 6728
covered under the subscriber's health care coverage, has received 6729
health care services from that hospital within the previous twelve 6730
months. 6731

(2) The health insuring corporation shall pay, in accordance 6732
with the terms of the contract, for all covered health care 6733
services rendered to an enrollee by a primary care physician or 6734
hospital between the date of the termination of the contract and 6735
five days after the notification of the contract termination is 6736
mailed to a subscriber at the subscriber's last known address. 6737

(J) Divisions (A) and (B) of this section do not apply to any 6738
health insuring corporation that, on June 4, 1997, holds a 6739
certificate of authority or license to operate under Chapter 1740. 6740

of the Revised Code. 6741

(K) Nothing in this section shall restrict the governing body 6742
of a hospital from exercising the authority granted it pursuant to 6743
section 3701.351 of the Revised Code. 6744

Sec. 1751.15. (A) After a health insuring corporation has 6745
furnished, directly or indirectly, basic health care services for 6746
a period of twenty-four months, and if it currently meets the 6747
financial requirements set forth in section 1751.28 of the Revised 6748
Code and had net income as reported to the superintendent of 6749
insurance for at least one of the preceding four calendar 6750
quarters, it shall hold an annual open enrollment period of not 6751
less than thirty days during its month of licensure for 6752
individuals who are not federally eligible individuals at the time 6753
they apply for enrollment. 6754

(B) During the open enrollment period described in division 6755
(A) of this section, the health insuring corporation shall accept 6756
applicants and their dependents in the order in which they apply 6757
for enrollment and in accordance with any of the following: 6758

(1) Up to its capacity, as determined by the health insuring 6759
corporation subject to review by the superintendent; 6760

(2) If less than its capacity, one per cent of the health 6761
insuring corporation's total number of subscribers residing in 6762
this state as of the immediately preceding thirty-first day of 6763
December. 6764

(C) Where a health insuring corporation demonstrates to the 6765
satisfaction of the superintendent that such open enrollment would 6766
jeopardize its economic viability, the superintendent may do any 6767
of the following: 6768

(1) Waive the requirement for open enrollment; 6769

(2) Impose a limit on the number of applicants and their 6770

dependents that must be enrolled; 6771

(3) Authorize such underwriting restrictions upon open 6772
enrollment as are necessary to do any of the following: 6773

(a) Preserve its financial stability; 6774

(b) Prevent excessive adverse selection; 6775

(c) Avoid unreasonably high or unmarketable charges for 6776
coverage of health care services. 6777

(D)(1) A request to the superintendent under division (C) of 6778
this section for any restriction, limit, or waiver during an open 6779
enrollment period must be accompanied by supporting documentation, 6780
including financial data. In reviewing the request, the 6781
superintendent may consider various factors, including the size of 6782
the health insuring corporation, the health insuring corporation's 6783
net worth and profitability, the health insuring corporation's 6784
delivery system structure, and the effect on profitability of 6785
prior open enrollments. 6786

(2) Any action taken by the superintendent under division (C) 6787
of this section shall be effective for a period of not more than 6788
one year. At the expiration of such time, a new demonstration of 6789
the health insuring corporation's need for the restriction, limit, 6790
or waiver shall be made before a new restriction, limit, or waiver 6791
is granted by the superintendent. 6792

(3) Irrespective of the granting of any restriction, limit, 6793
or waiver by the superintendent, a health insuring corporation may 6794
reject an applicant or a dependent of the applicant during its 6795
open enrollment period if the applicant or dependent: 6796

(a) Was eligible for and was covered under any 6797
employer-sponsored health care coverage, or if employer-sponsored 6798
health care coverage was available at the time of open enrollment; 6799

(b) Is eligible for continuation coverage under state or 6800

federal law; 6801

(c) Is eligible for medicare, and the health insuring 6802
corporation does not have an agreement on appropriate payment 6803
mechanisms with the governmental agency administering the medicare 6804
program. 6805

(E) A health insuring corporation shall not be required 6806
either to enroll applicants or their dependents who are confined 6807
to a health care facility because of chronic illness, permanent 6808
injury, or other infirmity that would cause economic impairment to 6809
the health insuring corporation if such applicants or their 6810
dependents were enrolled or to make the effective date of benefits 6811
for applicants or their dependents enrolled under this section 6812
earlier than ninety days after the date of enrollment. 6813

(F) A health insuring corporation shall not be required to 6814
cover the fees or costs, or both, for any basic health care 6815
service related to a transplant of a body organ if the transplant 6816
occurs within one year after the effective date of an enrollee's 6817
coverage under this section. This limitation on coverage does not 6818
apply to a newly born child who meets the requirements for 6819
coverage under section 1751.61 of the Revised Code. 6820

(G) Each health insuring corporation required to hold an open 6821
enrollment pursuant to division (A) of this section shall file 6822
with the superintendent, not later than sixty days prior to the 6823
commencement of the proposed open enrollment period, the following 6824
documents: 6825

(1) The proposed public notice of open enrollment; 6826

(2) The evidence of coverage approved pursuant to section 6827
1751.11 of the Revised Code that will be used during open 6828
enrollment; 6829

(3) The contractual periodic prepayment and premium rate 6830
approved pursuant to section 1751.12 of the Revised Code that will 6831

be applicable during open enrollment; 6832

(4) Any solicitation document approved pursuant to section 6833
1751.31 of the Revised Code to be sent to applicants, including 6834
the application form that will be used during open enrollment; 6835

(5) A list of the proposed dates of publication of the public 6836
notice, and the names of the newspapers in which the notice will 6837
appear; 6838

(6) Any request for a restriction, limit, or waiver with 6839
respect to the open enrollment period, along with any supporting 6840
documentation. 6841

(H)(1) An open enrollment period shall not satisfy the 6842
requirements of this section unless the health insuring 6843
corporation provides adequate public notice in accordance with 6844
divisions (H)(2) and (3) of this section. No public notice shall 6845
be used until the form of the public notice has been filed by the 6846
health insuring corporation with the superintendent. If the 6847
superintendent does not disapprove the public notice within sixty 6848
days after it is filed, it shall be deemed approved, unless the 6849
superintendent sooner gives approval for the public notice. If the 6850
superintendent determines within this sixty-day period that the 6851
public notice fails to meet the requirements of this section, the 6852
superintendent shall so notify the health insuring corporation and 6853
it shall be unlawful for the health insuring corporation to use 6854
the public notice. Such disapproval shall be effected by a written 6855
order, which shall state the grounds for disapproval and shall be 6856
issued in accordance with Chapter 119. of the Revised Code. 6857

(2) A public notice pursuant to division (H)(1) of this 6858
section shall be published in at least one newspaper of general 6859
circulation in each county in the health insuring corporation's 6860
service area, at least once in each of the two weeks immediately 6861
preceding the month in which the open enrollment is to occur and 6862

in each week of that month, or until the enrollment limitation is reached, whichever occurs first. The notice published during the last week of open enrollment shall appear not less than five days before the end of the open enrollment period. It shall be at least two newspaper columns wide or two and one-half inches wide, whichever is larger. The first two lines of the text shall be published in not less than twelve-point, boldface type. The remainder of the text of the notice shall be published in not less than eight-point type. The entire public notice shall be surrounded by a continuous black line not less than one-eighth of an inch wide.

(3) The following information shall be included in the public notice provided under division (H)(2) of this section:

(a) The dates that open enrollment will be held and the date coverage obtained under the open enrollment will become effective;

(b) Notice that an applicant or the applicant's dependents will not be denied coverage during open enrollment because of a preexisting health condition, but that some limitations and restrictions may apply;

(c) The address where a person may obtain an application;

(d) The telephone number that a person may call to request an application or to ask questions;

(e) The date the first payment will be due;

(f) The actual rates or range of rates that will be applicable for applicants;

(g) Any limitation granted by the superintendent on the number of applications that will be accepted by the health insuring corporation.

(4) Within thirty days after the end of an open enrollment period, the health insuring corporation shall submit to the

superintendent proof of publication for the public notices, and 6893
shall report the total number of applicants and their dependents 6894
enrolled during the open enrollment period. 6895

(I)(1) No health insuring corporation may employ any scheme, 6896
plan, or device that restricts the ability of any person to enroll 6897
during open enrollment. 6898

(2) No health insuring corporation may require enrollment to 6899
be made in person. Every health insuring corporation shall permit 6900
application for coverage by mail. A representative of the health 6901
insuring corporation may visit an applicant who has submitted an 6902
application by mail, in order to explain the operations of the 6903
health insuring corporation and to answer any questions the 6904
applicant may have. Every health insuring corporation shall make 6905
open enrollment applications and solicitation documents readily 6906
available to any potential applicant who requests such material. 6907

(J) An application postmarked on the last day of an open 6908
enrollment period shall qualify as a valid application, regardless 6909
of the date on which it is received by the health insuring 6910
corporation. 6911

(K) This section does not apply to any of the following: 6912

(1) Any health insuring corporation that offers only 6913
supplemental health care services or specialty health care 6914
services, ~~or to any;~~ 6915

(2) Any health insuring corporation that offers plans only 6916
through ~~Title XVIII or Title XIX of the "Social Security Act," 49~~ 6917
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ medicare, medicaid, 6918
or the children's buy-in program and that has no other commercial 6919
enrollment, ~~or to any;~~ 6920

(3) Any health insuring corporation that offers plans only 6921
through other federal health care programs regulated by federal 6922
regulatory bodies and that has no other commercial enrollment, ~~or~~ 6923

~~to any;~~ 6924

(4) Any health insuring corporation that offers plans only 6925
through contracts covering officers or employees of the state that 6926
have been entered into by the department of administrative 6927
services and that has no other commercial enrollment. 6928

(L) Each health insuring corporation shall accept federally 6929
eligible individuals for open enrollment coverage as provided in 6930
section 3923.581 of the Revised Code. A health insuring 6931
corporation may reinsure coverage of any federally eligible 6932
individual acquired under that section with the open enrollment 6933
reinsurance program in accordance with division (G) of section 6934
3924.11 of the Revised Code. Fixed periodic prepayment rates 6935
charged for coverage reinsured by the program shall be established 6936
in accordance with section 3924.12 of the Revised Code. 6937

(M) As used in this section, "federally eligible individual" 6938
means an eligible individual as defined in 45 C.F.R. 148.103. 6939

Sec. 1751.16. (A) Except as provided in division (F) of this 6940
section, every group contract issued by a health insuring 6941
corporation shall provide an option for conversion to an 6942
individual contract issued on a direct-payment basis to any 6943
subscriber covered by the group contract who terminates employment 6944
or membership in the group, unless: 6945

(1) Termination of the conversion option or contract is based 6946
upon nonpayment of premium after reasonable notice in writing has 6947
been given by the health insuring corporation to the subscriber. 6948

(2) The subscriber is, or is eligible to be, covered for 6949
benefits at least comparable to the group contract under any of 6950
the following: 6951

(a) ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 6952
~~(1935), 42 U.S.C.A. 301, as amended~~ Medicare; 6953

(b) Any act of congress or law under this or any other state 6954
of the United States providing coverage at least comparable to the 6955
benefits under division (A)(2)(a) of this section; 6956

(c) Any policy of insurance or health care plan providing 6957
coverage at least comparable to the benefits under division 6958
(A)(2)(a) of this section. 6959

(B)(1) The direct-payment contract offered by the health 6960
insuring corporation pursuant to division (A) of this section 6961
shall provide the following: 6962

(a) In the case of an individual who is not a federally 6963
eligible individual, benefits comparable to benefits in any of the 6964
individual contracts then being issued to individual subscribers 6965
by the health insuring corporation; 6966

(b) In the case of a federally eligible individual, a basic 6967
and standard plan established by the board of directors of the 6968
Ohio health reinsurance program or plans substantially similar to 6969
the basic and standard plan in benefit design and scope of covered 6970
services. For purposes of division (B)(1)(b) of this section, the 6971
superintendent of insurance shall determine whether a plan is 6972
substantially similar to the basic or standard plan in benefit 6973
design and scope of covered services. The contractual periodic 6974
prepayments charged for such plans may not exceed an amount that 6975
is two times the midpoint of the standard rate charged any other 6976
individual of a group to which the organization is currently 6977
accepting new business and for which similar copayments and 6978
deductibles are applied. 6979

(2) The direct payment contract offered pursuant to division 6980
(A) of this section may include a coordination of benefits 6981
provision as approved by the superintendent. 6982

(3) For purposes of division (B) of this section "federally 6983
eligible individual" means an eligible individual as defined in 45 6984

C.F.R. 148.103.	6985
(C) The option for conversion shall be available:	6986
(1) Upon the death of the subscriber, to the surviving spouse with respect to such of the spouse and dependents as are then covered by the group contract;	6987 6988 6989
(2) To a child solely with respect to the child upon the child's attaining the limiting age of coverage under the group contract while covered as a dependent under the contract;	6990 6991 6992
(3) Upon the divorce, dissolution, or annulment of the marriage of the subscriber, to the divorced spouse, or, in the event of annulment, to the former spouse of the subscriber.	6993 6994 6995
(D) No health insuring corporation shall use age as the basis for refusing to renew a converted contract.	6996 6997
(E) Written notice of the conversion option provided by this section shall be given to the subscriber by the health insuring corporation by mail. The notice shall be sent to the subscriber's address in the records of the employer upon receipt of notice from the employer of the event giving rise to the conversion option. If the subscriber has not received notice of the conversion privilege at least fifteen days prior to the expiration of the thirty-day conversion period, then the subscriber shall have an additional period within which to exercise the privilege. This additional period shall expire fifteen days after the subscriber receives notice, but in no event shall the period extend beyond sixty days after the expiration of the thirty-day conversion period.	6998 6999 7000 7001 7002 7003 7004 7005 7006 7007 7008 7009
(F) This section does not apply to any group contract offering only supplemental health care services or specialty health care services.	7010 7011 7012
Sec. 1751.17. (A) As used in this section, "nongroup contract" means a contract issued by a health insuring corporation	7013 7014

to an individual who makes direct application for coverage under 7015
the contract and who, if required by the health insuring 7016
corporation, submits to medical underwriting. "Nongroup contract" 7017
does not include group conversion coverage, coverage obtained 7018
through open enrollment, or coverage issued on the basis of 7019
membership in a group. 7020

(B) Except as provided in division (C) of this section, every 7021
nongroup contract that is issued by a health insuring corporation 7022
and that makes available basic health care services shall provide 7023
an option for conversion to a contract issued on a direct-payment 7024
basis to an enrollee covered by the nongroup contract. The option 7025
for conversion shall be available: 7026

(1) Upon the death of the subscriber, to the surviving spouse 7027
with respect to the spouse or dependents who were then covered by 7028
the nongroup contract; 7029

(2) Upon the divorce, dissolution, or annulment of the 7030
marriage of the subscriber, to the divorced spouse, or, in the 7031
event of annulment, to the former spouse of the subscriber; 7032

(3) To a child solely with respect to the child, upon the 7033
child's attaining the limiting age of coverage under the nongroup 7034
contract while covered as a dependent under the contract. 7035

(C) The direct payment contract offered pursuant to division 7036
(B) of this section shall not be made available to an enrollee if 7037
any of the following applies: 7038

(1) The enrollee is, or is eligible to be, covered for 7039
benefits at least comparable to the nongroup contract under any of 7040
the following: 7041

(a) ~~The medical assistance program under Chapter 5111. of the~~ 7042
~~Revised Code Medicaid;~~ 7043

(b) ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 7044

~~(1935), 42 U.S.C.A. 301, as amended~~ The children's buy-in program; 7045

(c) Medicare; 7046

(d) Any act of congress or law under this or any other state 7047
of the United States providing coverage at least comparable to the 7048
benefits offered under division (C)(1)(a) ~~or~~, (b), or (c) of this 7049
section. 7050

(2) The nongroup contract under which the enrollee was 7051
covered was terminated due to nonpayment of a premium rate. 7052

(3) The enrollee is eligible for group coverage provided by, 7053
or available through, an employer or association and the group 7054
coverage provides benefits comparable to the benefits provided 7055
under a direct payment contract. 7056

(D) The direct payment contract offered pursuant to division 7057
(B) of this section shall provide benefits that are at least 7058
comparable to the benefits provided by the nongroup contract under 7059
which the enrollee was covered at the time of the occurrence of 7060
any of the events set forth in division (B) of this section. The 7061
coverage provided under the direct payment contract shall be 7062
continuous, provided that the enrollee makes the required premium 7063
rate payment within the thirty-day period immediately following 7064
the occurrence of the event, and may be terminated for nonpayment 7065
of any required premium rate payment. 7066

(E) The evidence of coverage of every nongroup contract shall 7067
contain notice that an option for conversion to a contract issued 7068
on a direct-payment basis is available, in accordance with this 7069
section, to any enrollee covered by the contract. 7070

(F) Benefits otherwise payable to an enrollee under a direct 7071
payment contract shall be reduced by the amount of any benefits 7072
available to the enrollee under any applicable group health 7073
insuring corporation contract or group sickness and accident 7074
insurance policy. 7075

(G) Nothing in this section shall be construed as requiring a health insuring corporation to offer nongroup contracts.

(H) This section does not apply to any nongroup contract offering only supplemental health care services or specialty health care services.

Sec. 1751.18. (A)(1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the subscriber or enrollee, the subscriber's or enrollee's requirements for health care services, or for any other reason designated under rules adopted by the superintendent of insurance.

(2) Unless otherwise required by state or federal law, no health insuring corporation, or health care facility or provider through which the health insuring corporation has made arrangements to provide health care services, shall discriminate against any individual with regard to enrollment, disenrollment, or the quality of health care services rendered, on the basis of the individual's race, color, sex, age, religion, military status as defined in section 4112.01 of the Revised Code, or status as a recipient of medicare or ~~medical assistance under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended~~ medicaid, or any health status-related factor in relation to the individual. However, a health insuring corporation shall not be required to accept a recipient of medicare or medical assistance, if an agreement has not been reached on appropriate payment mechanisms between the health insuring corporation and the governmental agency administering these programs. Further, except during a period of open enrollment under section 1751.15 of the Revised Code, a health insuring corporation may reject an applicant for nongroup enrollment on the basis of any health status-related factor in relation to the applicant.

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(B) A health insuring corporation may cancel or decide not to
renew the coverage of an enrollee if the enrollee has performed an
act or practice that constitutes fraud or intentional
misrepresentation of material fact under the terms of the coverage
and if the cancellation or nonrenewal is not based, either
directly or indirectly, on any health status-related factor in
relation to the enrollee.

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(C) An enrollee may appeal any action or decision of a health
insuring corporation taken pursuant to section 2742(b) to (e) of
the "Health Insurance Portability and Accountability Act of 1996,"
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as
amended. To appeal, the enrollee may submit a written complaint to
the health insuring corporation pursuant to section 1751.19 of the
Revised Code. The enrollee may, within thirty days after receiving
a written response from the health insuring corporation, appeal
the health insuring corporation's action or decision to the
superintendent.

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(D) As used in this section, "health status-related factor"
means any of the following:

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(1) Health status;

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(2) Medical condition, including both physical and mental
illnesses;

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(3) Claims experience;

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(4) Receipt of health care;

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(5) Medical history;

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(6) Genetic information;

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(7) Evidence of insurability, including conditions arising
out of acts of domestic violence;

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(8) Disability.

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Sec. 1751.20. (A) No health insuring corporation, or agent, 7137
employee, or representative of a health insuring corporation, 7138
shall use any advertisement or solicitation document, or shall 7139
engage in any activity, that is unfair, untrue, misleading, or 7140
deceptive. 7141

(B) No health insuring corporation shall use a name that is 7142
deceptively similar to the name or description of any insurance or 7143
surety corporation doing business in this state. 7144

(C) All solicitation documents, advertisements, evidences of 7145
coverage, and enrollee identification cards used by a health 7146
insuring corporation shall contain the health insuring 7147
corporation's name. The use of a trade name, an insurance group 7148
designation, the name of a parent company, the name of a division 7149
of an affiliated insurance company, a service mark, a slogan, a 7150
symbol, or other device, without the name of the health insuring 7151
corporation as stated in its articles of incorporation, shall not 7152
satisfy this requirement if the usage would have the capacity and 7153
tendency to mislead or deceive persons as to the true identity of 7154
the health insuring corporation. 7155

(D) No solicitation document or advertisement used by a 7156
health insuring corporation shall contain any words, symbols, or 7157
physical materials that are so similar in content, phraseology, 7158
shape, color, or other characteristic to those used by an agency 7159
of the federal government or this state, that prospective 7160
enrollees may be led to believe that the solicitation document or 7161
advertisement is connected with an agency of the federal 7162
government or this state. 7163

(E) A health insuring corporation that provides basic health 7164
care services may use the phrase "health maintenance organization" 7165
or the abbreviation "HMO" in its marketing name, advertising, 7166
solicitation documents, or marketing literature, or in reference 7167

to the phrase "doing business as" or the abbreviation "DBA." 7168

(F) This section does not apply to the coverage of 7169
beneficiaries enrolled in ~~Title XVIII of the "Social Security~~ 7170
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, medicare~~ 7171
pursuant to a medicare risk contract or medicare cost contract, or 7172
to the coverage of beneficiaries enrolled in the federal employee 7173
health benefits program pursuant to 5 U.S.C.A. 8905, or to the 7174
coverage of ~~beneficiaries enrolled in Title XIX of the "Social~~ 7175
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 7176
~~known as the medical assistance program or medicaid, provided by~~ 7177
~~the Ohio department of job and family services under Chapter 5111.~~ 7178
~~of the Revised Code recipients, or to the coverage of participants~~ 7179
~~of the children's buy-in program,~~ or to the coverage of 7180
beneficiaries under any federal health care program regulated by a 7181
federal regulatory body, or to the coverage of beneficiaries under 7182
any contract covering officers or employees of the state that has 7183
been entered into by the department of administrative services. 7184

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Sec. 1751.31. (A) Any changes in a health insuring 7186
corporation's solicitation document shall be filed with the 7187
superintendent of insurance. The superintendent, within sixty days 7188
of filing, may disapprove any solicitation document or amendment 7189
to it on any of the grounds stated in this section. Such 7190
disapproval shall be effected by written notice to the health 7191
insuring corporation. The notice shall state the grounds for 7192
disapproval and shall be issued in accordance with Chapter 119. of 7193
the Revised Code. 7194

(B) The solicitation document shall contain all information 7195
necessary to enable a consumer to make an informed choice as to 7196
whether or not to enroll in the health insuring corporation. The 7197
information shall include a specific description of the health 7198

care services to be available and the approximate number and type 7199
of full-time equivalent medical practitioners. The information 7200
shall be presented in the solicitation document in a manner that 7201
is clear, concise, and intelligible to prospective applicants in 7202
the proposed service area. 7203

(C) Every potential applicant whose subscription to a health 7204
care plan is solicited shall receive, at or before the time of 7205
solicitation, a solicitation document approved by the 7206
superintendent. 7207

(D) Notwithstanding division (A) of this section, a health 7208
insuring corporation may use a solicitation document that the 7209
corporation uses in connection with policies for medicare 7210
~~beneficiaries of Title XVIII of the "Social Security Act," 49~~ 7211
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ pursuant to a 7212
medicare risk contract or medicare cost contract, or for policies 7213
for beneficiaries of the federal employees health benefits program 7214
pursuant to 5 U.S.C.A. 8905, or for policies for ~~beneficiaries of~~ 7215
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 7216
~~U.S.C.A. 301, as amended, known as the medical assistance program~~ 7217
~~or medicaid, provided by the department of job and family services~~ 7218
~~under Chapter 5111. of the Revised Code~~ recipients, or for 7219
policies for beneficiaries of any other federal health care 7220
program regulated by a federal regulatory body, or for policies 7221
for participants of the children's buy-in program, or for policies 7222
for beneficiaries of contracts covering officers or employees of 7223
the state entered into by the department of administrative 7224
services, if both of the following apply: 7225

(1) The solicitation document has been approved by the United 7226
States department of health and human services, the United States 7227
office of personnel management, the department of job and family 7228
services, or the department of administrative services. 7229

(2) The solicitation document is filed with the 7230

superintendent of insurance prior to use and is accompanied by 7231
documentation of approval from the United States department of 7232
health and human services, the United States office of personnel 7233
management, the department of job and family services, or the 7234
department of administrative services. 7235

(E) No health insuring corporation, or its agents or 7236
representatives, shall use monetary or other valuable 7237
consideration, engage in misleading or deceptive practices, or 7238
make untrue, misleading, or deceptive representations to induce 7239
enrollment. Nothing in this division shall prohibit incentive 7240
forms of remuneration such as commission sales programs for the 7241
health insuring corporation's employees and agents. 7242

(F) Any person obligated for any part of a premium rate in 7243
connection with an enrollment agreement, in addition to any right 7244
otherwise available to revoke an offer, may cancel such agreement 7245
within seventy-two hours after having signed the agreement or 7246
offer to enroll. Cancellation occurs when written notice of the 7247
cancellation is given to the health insuring corporation or its 7248
agents or other representatives. A notice of cancellation mailed 7249
to the health insuring corporation shall be considered to have 7250
been filed on its postmark date. 7251

(G) Nothing in this section shall prohibit healthy lifestyle 7252
programs. 7253

Sec. 1751.34. (A) Each health insuring corporation and each 7254
applicant for a certificate of authority under this chapter shall 7255
be subject to examination by the superintendent of insurance in 7256
accordance with section 3901.07 of the Revised Code. Section 7257
3901.07 of the Revised Code shall govern every aspect of the 7258
examination, including the circumstances under and frequency with 7259
which it is conducted, the authority of the superintendent and any 7260
examiner or other person appointed by the superintendent, the 7261

liability for the assessment of expenses incurred in conducting 7262
the examination, and the remittance of the assessment to the 7263
superintendent's examination fund. 7264

(B) The director of health shall make an examination 7265
concerning the matters subject to the director's consideration in 7266
section 1751.04 of the Revised Code as often as the director 7267
considers it necessary for the protection of the interests of the 7268
people of this state, but not less frequently than once every 7269
three years. The expenses of such examinations shall be assessed 7270
against the health insuring corporation being examined in the 7271
manner in which expenses of examinations are assessed against an 7272
insurance company under section 3901.07 of the Revised Code. 7273
Nothing in this division requires the director to make an 7274
examination of a any of the following: 7275

(1) A health insuring corporation that covers solely medicaid 7276
recipients of assistance under the medicaid program operated 7277
pursuant to Chapter 5111. of the Revised Code, a; 7278

(2) A health insuring corporation that covers solely 7279
recipients of assistance under the federal medicare program under 7280
Title XVIII of the "Social Security Act," 49 Stat. 62 (1935), 42 7281
U.S.C. 301, as amended, or a medicare beneficiaries; 7282

(3) A health insuring corporation that covers solely 7283
recipients of assistance under both the medicaid recipients and 7284
medicare programs beneficiaries; 7285

(4) A health insuring corporation that covers solely 7286
participants of the children's buy-in program; 7287

(5) A health insuring corporation that covers solely medicaid 7288
recipients and participants of the children's buy-in program; 7289

(6) A health insuring corporation that covers solely medicaid 7290
recipients, medicare beneficiaries, and participants of the 7291
children's buy-in program. 7292

(C) An examination, pursuant to section 3901.07 of the Revised Code, of an insurance company holding a certificate of authority under this chapter to organize and operate a health insuring corporation shall include an examination of the health insuring corporation pursuant to this section and the examination shall satisfy the requirements of divisions (A) and (B) of this section.

(D) The superintendent may conduct market conduct examinations pursuant to section 3901.011 of the Revised Code of any health insuring corporation as often as the superintendent considers it necessary for the protection of the interests of subscribers and enrollees. The expenses of such market conduct examinations shall be assessed against the health insuring corporation being examined. All costs, assessments, or fines collected under this division shall be paid into the state treasury to the credit of the department of insurance operating fund.

Sec. 1751.53. (A) As used in this section:

(1) "Group contract" means a group health insuring corporation contract covering employees that meets either of the following conditions:

(a) The contract was issued by an entity that, on ~~the effective date of this section~~ June 4, 1997, holds a certificate of authority or license to operate under Chapter 1738. or 1742. of the Revised Code, and covers an employee at the time the employee's employment is terminated.

(b) The contract is delivered, issued for delivery, or renewed in this state after ~~the effective date of this section~~ June 4, 1997, and covers an employee at the time the employee's employment is terminated.

(2) "Eligible employee" means an employee to whom all of the following apply:

(a) The employee has been continuously covered under a group contract or under the contract and any prior similar group coverage replaced by the contract, during the entire three-month period preceding the termination of the employee's employment.

(b) The employee is entitled, at the time of the termination of this employment, to unemployment compensation benefits under Chapter 4141. of the Revised Code.

(c) The employee is not, and does not become, covered by or eligible for coverage by medicare ~~under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~

(d) The employee is not, and does not become, covered by or eligible for coverage by any other insured or uninsured arrangement that provides hospital, surgical, or medical coverage for individuals in a group and under which the employee was not covered immediately prior to the termination of employment. A person eligible for continuation of coverage under this section, who is also eligible for coverage under section 3923.123 of the Revised Code, may elect either coverage, but not both. A person who elects continuation of coverage may elect any coverage available under section 3923.123 of the Revised Code upon the termination of the continuation of coverage.

(B) A group contract shall provide that any eligible employee may continue the coverage under the contract, for the employee and the employee's eligible dependents, for a period of six months after the date that the group coverage would otherwise terminate by reason of the termination of the employee's employment. Each certificate of coverage issued to employees under the contract shall include a notice of the employee's privilege of continuation.

(C) All of the following apply to the continuation of group coverage required under division (B) of this section:

(1) Continuation need not include any supplemental health care services benefits or specialty health care services benefits provided by the group contract.

(2) The employer shall notify the employee of the right of continuation at the time the employer notifies the employee of the termination of employment. The notice shall inform the employee of the amount of contribution required by the employer under division (C)(4) of this section.

(3) The employee shall file a written election of continuation with the employer and pay the employer the first contribution required under division (C)(4) of this section. The request and payment must be received by the employer no later than the earlier of any of the following dates:

(a) Thirty-one days after the date on which the employee's coverage would otherwise terminate;

(b) Ten days after the date on which the employee's coverage would otherwise terminate, if the employer has notified the employee of the right of continuation prior to this date;

(c) Ten days after the employer notifies the employee of the right of continuation, if the notice is given after the date on which the employee's coverage would otherwise terminate.

(4) The employee must pay to the employer, on a monthly basis, in advance, the amount of contribution required by the employer. The amount required shall not exceed the group rate for the insurance being continued under the policy on the due date of each payment.

(5) The employee's privilege to continue coverage and the coverage under any continuation ceases if any of the following

occurs: 7384

(a) The employee ceases to be an eligible employee under 7385
division (A)(2)(c) or (d) of this section; 7386

(b) A period of six months expires after the date that the 7387
employee's coverage under the group contract would otherwise have 7388
terminated because of the termination of employment; 7389

(c) The employee fails to make a timely payment of a required 7390
contribution, in which event the coverage shall cease at the end 7391
of the coverage for which contributions were made; 7392

(d) The group contract is terminated, or the employer 7393
terminates participation under the contract, unless the employer 7394
replaces the coverage by similar coverage under another contract 7395
or other group health arrangement. If the employer replaces the 7396
contract with similar group health coverage, all of the following 7397
apply: 7398

(i) The member shall be covered under the replacement 7399
coverage, for the balance of the period that the member would have 7400
remained covered under the terminated coverage if it had not been 7401
terminated. 7402

(ii) The minimum level of benefits under the replacement 7403
coverage shall be the applicable level of benefits of the contract 7404
replaced reduced by any benefits payable under the contract 7405
replaced. 7406

(iii) The contract replaced shall continue to provide 7407
benefits to the extent of its accrued liabilities and extensions 7408
of benefits as if the replacement had not occurred. 7409

(D) This section does not apply to any group contract 7410
offering only supplemental health care services or specialty 7411
health care services. 7412

Sec. 1751.60. (A) Except as provided for in divisions (E) and 7413

(F) of this section, every provider or health care facility that 7414
contracts with a health insuring corporation to provide health 7415
care services to the health insuring corporation's enrollees or 7416
subscribers shall seek compensation for covered services solely 7417
from the health insuring corporation and not, under any 7418
circumstances, from the enrollees or subscribers, except for 7419
approved copayments and deductibles. 7420

(B) No subscriber or enrollee of a health insuring 7421
corporation is liable to any contracting provider or health care 7422
facility for the cost of any covered health care services, if the 7423
subscriber or enrollee has acted in accordance with the evidence 7424
of coverage. 7425

(C) Except as provided for in divisions (E) and (F) of this 7426
section, every contract between a health insuring corporation and 7427
provider or health care facility shall contain a provision 7428
approved by the superintendent of insurance requiring the provider 7429
or health care facility to seek compensation solely from the 7430
health insuring corporation and not, under any circumstances, from 7431
the subscriber or enrollee, except for approved copayments and 7432
deductibles. 7433

(D) Nothing in this section shall be construed as preventing 7434
a provider or health care facility from billing the enrollee or 7435
subscriber of a health insuring corporation for noncovered 7436
services. 7437

(E) Upon application by a health insuring corporation and a 7438
provider or health care facility, the superintendent may waive the 7439
requirements of divisions (A) and (C) of this section when, in 7440
addition to the reserve requirements contained in section 1751.28 7441
of the Revised Code, the health insuring corporation provides 7442
sufficient assurances to the superintendent that the provider or 7443
health care facility has been provided with financial guarantees. 7444
No waiver of the requirements of divisions (A) and (C) of this 7445

section is effective as to enrollees or subscribers for whom the health insuring corporation is compensated under a provider agreement or risk contract entered into pursuant to Chapter 5111. or 5115. of the Revised Code or under the children's buy-in program.

(F) The requirements of divisions (A) to (C) of this section apply only to health care services provided to an enrollee or subscriber prior to the effective date of a termination of a contract between the health insuring corporation and the provider or health care facility.

Sec. 1751.89. Sections 1751.77 to 1751.85 of the Revised Code do not apply to either of the following:

(A) Coverage provided to beneficiaries enrolled in the medicare...+choice program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(B) Coverage provided to medicaid recipients ~~of assistance under the medicaid program operated pursuant to Chapter 5111. of the Revised Code;~~

(C) Coverage provided to participants of the children's buy-in program.

Sec. 2743.49. (A)(1) In January of each odd-numbered year, the auditor of state, in accordance with this division and division (A)(2) of this section, shall adjust the actual dollar figure specified in division (E)(2)(b) of section 2743.48 of the Revised Code or the actual dollar amount determined pursuant to this section. The adjustment shall be based on the yearly average of the previous two years of the consumer price index for all urban consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or

its successor in responsibility, for all items, Series A. The 7476
~~auditor of state shall calculate the adjustment in the following~~ 7477
~~manner:~~ 7478

~~(a) First, using the yearly average for the immediately~~ 7479
~~preceding odd numbered year as the base year, the auditor of state~~ 7480
~~shall compare the most current average consumer price index with~~ 7481
~~that determined in the even numbered year immediately preceding~~ 7482
~~that odd numbered year and shall determine the percentage increase~~ 7483
~~or decrease. The auditor of state shall multiply the percentage~~ 7484
~~increase or decrease by the actual dollar figure specified in~~ 7485
~~division (E)(2)(b) of section 2743.48 of the Revised Code or the~~ 7486
~~actual dollar figure determined for the previous odd numbered year~~ 7487
~~under this section and shall add the product to or subtract the~~ 7488
~~product from its corresponding actual dollar figure, as~~ 7489
~~applicable, for the previous odd numbered year.~~ 7490

~~(b) Second, using~~ Using the yearly average for the 7491
immediately preceding even-numbered year as the base year, the 7492
auditor of state shall compare the most current average consumer 7493
price index with that determined in the preceding odd-numbered 7494
year ~~immediately preceding that even numbered year~~ and shall 7495
determine the percentage increase or decrease. The auditor of 7496
state shall multiply the percentage increase or decrease by the 7497
actual dollar figure specified in division (E)(2)(b) of section 7498
2743.48 of the Revised Code or the actual dollar figure determined 7499
under ~~division (A)(1)(a) of this section~~ for the previous 7500
~~even numbered~~ odd-numbered year and shall add the product to or 7501
subtract the product from its corresponding actual dollar figure, 7502
as applicable, for the previous odd-numbered year. ~~The resulting~~ 7503
~~figure is the adjusted dollar amount determined under this section~~ 7504
~~for purposes of this section and section 2743.48 of the Revised~~ 7505
~~Code.~~ 7506

(2) The auditor of state shall calculate the adjustment under 7507

division (A)(1) of this section on or before the thirty-first day 7508
of January of each odd-numbered year. The auditor of state shall 7509
base the adjustment on the most current consumer price index that 7510
is described in division (A)(1) of this section and that is in 7511
effect as of the first day of January of each odd-numbered year. 7512

(B)(1) The auditor of state shall certify the calculations 7513
made under division (A) of this section on or before the 7514
thirty-first day of January of each odd-numbered year. 7515

(2) On or before the fifteenth day of February of each 7516
odd-numbered year, the auditor of state shall prepare a report 7517
setting forth the amount that a wrongfully imprisoned individual 7518
is entitled to for each full year of imprisonment in the state 7519
correctional institution for the offense of which the wrongfully 7520
imprisoned individual was found guilty as provided in division 7521
(E)(2)(b) of section ~~2743.49~~ 2743.48 of the Revised Code and as 7522
calculated in accordance with this section. The report and all 7523
documents relating to the calculations contained in the report are 7524
public records. The report shall contain an indication of the 7525
period in which the calculated amount applies, a summary of how 7526
the amount was calculated, and a statement that the report and all 7527
related documents are available for inspection and copying at the 7528
office of the auditor of state. 7529

(3) On or before the fifteenth day of February of each 7530
odd-numbered year, the auditor of state shall transmit the report 7531
to the general assembly and to the court of claims. 7532

Sec. 2744.05. Notwithstanding any other provisions of the 7533
Revised Code or rules of a court to the contrary, in an action 7534
against a political subdivision to recover damages for injury, 7535
death, or loss to person or property caused by an act or omission 7536
in connection with a governmental or proprietary function: 7537

(A) Punitive or exemplary damages shall not be awarded. 7538

(B)(1) If a claimant receives or is entitled to receive 7539
benefits for injuries or loss allegedly incurred from a policy or 7540
policies of insurance or any other source, the benefits shall be 7541
disclosed to the court, and the amount of the benefits shall be 7542
deducted from any award against a political subdivision recovered 7543
by that claimant. No insurer or other person is entitled to bring 7544
an action under a subrogation provision in an insurance or other 7545
contract against a political subdivision with respect to those 7546
benefits. 7547

The amount of the benefits shall be deducted from an award 7548
against a political subdivision under division (B)(1) of this 7549
section regardless of whether the claimant may be under an 7550
obligation to pay back the benefits upon recovery, in whole or in 7551
part, for the claim. A claimant whose benefits have been deducted 7552
from an award under division (B)(1) of this section is not 7553
considered fully compensated and shall not be required to 7554
reimburse a subrogated claim for benefits deducted from an award 7555
pursuant to division (B)(1) of this section. 7556

(2) Nothing in division (B)(1) of this section shall be 7557
construed to do either of the following: 7558

(a) Limit the rights of a beneficiary under a life insurance 7559
policy or the rights of sureties under fidelity or surety bonds; 7560

(b) Prohibit the department of job and family services from 7561
recovering from the political subdivision, pursuant to section 7562
5101.58 of the Revised Code, the cost of medical assistance 7563
benefits provided under sections 5101.5211 to 5101.5216 or Chapter 7564
5107., 5111., or 5115. of the Revised Code. 7565

(C)(1) There shall not be any limitation on compensatory 7566
damages that represent the actual loss of the person who is 7567
awarded the damages. However, except in wrongful death actions 7568
brought pursuant to Chapter 2125. of the Revised Code, damages 7569

that arise from the same cause of action, transaction or 7570
occurrence, or series of transactions or occurrences and that do 7571
not represent the actual loss of the person who is awarded the 7572
damages shall not exceed two hundred fifty thousand dollars in 7573
favor of any one person. The limitation on damages that do not 7574
represent the actual loss of the person who is awarded the damages 7575
provided in this division does not apply to court costs that are 7576
awarded to a plaintiff, or to interest on a judgment rendered in 7577
favor of a plaintiff, in an action against a political 7578
subdivision. 7579

(2) As used in this division, "the actual loss of the person 7580
who is awarded the damages" includes all of the following: 7581

(a) All wages, salaries, or other compensation lost by the 7582
person injured as a result of the injury, including wages, 7583
salaries, or other compensation lost as of the date of a judgment 7584
and future expected lost earnings of the person injured; 7585

(b) All expenditures of the person injured or another person 7586
on behalf of the person injured for medical care or treatment, for 7587
rehabilitation services, or for other care, treatment, services, 7588
products, or accommodations that were necessary because of the 7589
injury; 7590

(c) All expenditures to be incurred in the future, as 7591
determined by the court, by the person injured or another person 7592
on behalf of the person injured for medical care or treatment, for 7593
rehabilitation services, or for other care, treatment, services, 7594
products, or accommodations that will be necessary because of the 7595
injury; 7596

(d) All expenditures of a person whose property was injured 7597
or destroyed or of another person on behalf of the person whose 7598
property was injured or destroyed in order to repair or replace 7599
the property that was injured or destroyed; 7600

(e) All expenditures of the person injured or of the person 7601
whose property was injured or destroyed or of another person on 7602
behalf of the person injured or of the person whose property was 7603
injured or destroyed in relation to the actual preparation or 7604
presentation of the claim involved; 7605

(f) Any other expenditures of the person injured or of the 7606
person whose property was injured or destroyed or of another 7607
person on behalf of the person injured or of the person whose 7608
property was injured or destroyed that the court determines 7609
represent an actual loss experienced because of the personal or 7610
property injury or property loss. 7611

"The actual loss of the person who is awarded the damages" 7612
does not include any fees paid or owed to an attorney for any 7613
services rendered in relation to a personal or property injury or 7614
property loss, and does not include any damages awarded for pain 7615
and suffering, for the loss of society, consortium, companionship, 7616
care, assistance, attention, protection, advice, guidance, 7617
counsel, instruction, training, or education of the person 7618
injured, for mental anguish, or for any other intangible loss. 7619

Sec. 2903.12. (A) No person, while under the influence of 7620
sudden passion or in a sudden fit of rage, either of which is 7621
brought on by serious provocation occasioned by the victim that is 7622
reasonably sufficient to incite the person into using deadly 7623
force, shall knowingly: 7624

(1) Cause serious physical harm to another or to another's 7625
unborn; 7626

(2) Cause or attempt to cause physical harm to another or to 7627
another's unborn by means of a deadly weapon or dangerous 7628
ordnance, as defined in section 2923.11 of the Revised Code. 7629

(B) Whoever violates this section is guilty of aggravated 7630

assault, a felony of the fourth degree. If the victim of the 7631
offense is a peace officer, an arson investigator, or an 7632
investigator of the bureau of criminal identification and 7633
investigation, aggravated assault is a felony of the third degree. 7634
If the victim of the offense is a peace officer, an arson 7635
investigator, or an investigator of the bureau of criminal 7636
identification and investigation, and if the victim suffered 7637
serious physical harm as a result of the commission of the 7638
offense, aggravated assault is a felony of the third degree, and 7639
the court, pursuant to division (F) of section 2929.13 of the 7640
Revised Code, shall impose as a mandatory prison term one of the 7641
prison terms prescribed for a felony of the third degree. 7642

(C) As used in this section: 7643

(1) "Investigator of the bureau of criminal identification 7644
and investigation" has the same meaning as in section 2903.11 of 7645
the Revised Code. 7646

(2) "Peace officer" has the same meaning as in section 7647
2935.01 of the Revised Code. 7648

Sec. 2903.213. (A) Except when the complaint involves a 7649
person who is a family or household member as defined in section 7650
2919.25 of the Revised Code, upon the filing of a complaint that 7651
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 7652
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 7653
a municipal ordinance substantially similar to section 2903.13, 7654
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 7655
the commission of a sexually oriented offense, the complainant, 7656
the alleged victim, or a family or household member of an alleged 7657
victim may file a motion that requests the issuance of a 7658
protection order as a pretrial condition of release of the alleged 7659
offender, in addition to any bail set under Criminal Rule 46. The 7660
motion shall be filed with the clerk of the court that has 7661

jurisdiction of the case at any time after the filing of the 7662
complaint. If the complaint involves a person who is a family or 7663
household member, the complainant, the alleged victim, or the 7664
family or household member may file a motion for a temporary 7665
protection order pursuant to section 2919.26 of the Revised Code. 7666

(B) A motion for a protection order under this section shall 7667
be prepared on a form that is provided by the clerk of the court, 7668
and the form shall be substantially as follows: 7669

"Motion for Protection Order 7670

..... 7671

Name and address of court 7672

State of Ohio 7673

v. No. 7674

..... 7675

Name of Defendant 7676

(Name of person), moves the court to issue a protection order 7677
containing terms designed to ensure the safety and protection of 7678
the complainant or the alleged victim in the above-captioned case, 7679
in relation to the named defendant, pursuant to its authority to 7680
issue a protection order under section 2903.213 of the Revised 7681
Code. 7682

A complaint, a copy of which has been attached to this 7683
motion, has been filed in this court charging the named defendant 7684
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 7685
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 7686
a municipal ordinance substantially similar to section 2903.13, 7687
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 7688
the commission of a sexually oriented offense. 7689

I understand that I must appear before the court, at a time 7690
set by the court not later than the next day that the court is in 7691
session after the filing of this motion, for a hearing on the 7692

motion, and that any protection order granted pursuant to this 7693
motion is a pretrial condition of release and is effective only 7694
until the disposition of the criminal proceeding arising out of 7695
the attached complaint or until the issuance under section 7696
2903.214 of the Revised Code of a protection order arising out of 7697
the same activities as those that were the basis of the attached 7698
complaint. 7699

..... 7700

Signature of person 7701

..... 7702

Address of person" 7703

(C)(1) As soon as possible after the filing of a motion that 7704
requests the issuance of a protection order under this section, 7705
but not later than the next day that the court is in session after 7706
the filing of the motion, the court shall conduct a hearing to 7707
determine whether to issue the order. The person who requested the 7708
order shall appear before the court and provide the court with the 7709
information that it requests concerning the basis of the motion. 7710
If the court finds that the safety and protection of the 7711
complainant or the alleged victim may be impaired by the continued 7712
presence of the alleged offender, the court may issue a protection 7713
order under this section, as a pretrial condition of release, that 7714
contains terms designed to ensure the safety and protection of the 7715
complainant or the alleged victim, including a requirement that 7716
the alleged offender refrain from entering the residence, school, 7717
business, or place of employment of the complainant or the alleged 7718
victim. 7719

(2)(a) If the court issues a protection order under this 7720
section that includes a requirement that the alleged offender 7721
refrain from entering the residence, school, business, or place of 7722
employment of the complainant or the alleged victim, the order 7723

shall clearly state that the order cannot be waived or nullified 7724
by an invitation to the alleged offender from the complainant, the 7725
alleged victim, or a family or household member to enter the 7726
residence, school, business, or place of employment or by the 7727
alleged offender's entry into one of those places otherwise upon 7728
the consent of the complainant, the alleged victim, or a family or 7729
household member. 7730

(b) Division (C)(2)(a) of this section does not limit any 7731
discretion of a court to determine that an alleged offender 7732
charged with a violation of section 2919.27 of the Revised Code, 7733
with a violation of a municipal ordinance substantially equivalent 7734
to that section, or with contempt of court, which charge is based 7735
on an alleged violation of a protection order issued under this 7736
section, did not commit the violation or was not in contempt of 7737
court. 7738

(D)(1) Except when the complaint involves a person who is a 7739
family or household member as defined in section 2919.25 of the 7740
Revised Code, upon the filing of a complaint that alleges a 7741
violation specified in division (A) of this section, the court, 7742
upon its own motion, may issue a protection order under this 7743
section as a pretrial condition of release of the alleged offender 7744
if it finds that the safety and protection of the complainant or 7745
the alleged victim may be impaired by the continued presence of 7746
the alleged offender. 7747

(2) If the court issues a protection order under this section 7748
as an ex parte order, it shall conduct, as soon as possible after 7749
the issuance of the order but not later than the next day that the 7750
court is in session after its issuance, a hearing to determine 7751
whether the order should remain in effect, be modified, or be 7752
revoked. The hearing shall be conducted under the standards set 7753
forth in division (C) of this section. 7754

(3) If a municipal court or a county court issues a 7755

protection order under this section and if, subsequent to the 7756
issuance of the order, the alleged offender who is the subject of 7757
the order is bound over to the court of common pleas for 7758
prosecution of a felony arising out of the same activities as 7759
those that were the basis of the complaint upon which the order is 7760
based, notwithstanding the fact that the order was issued by a 7761
municipal court or county court, the order shall remain in effect, 7762
as though it were an order of the court of common pleas, while the 7763
charges against the alleged offender are pending in the court of 7764
common pleas, for the period of time described in division (E)(2) 7765
of this section, and the court of common pleas has exclusive 7766
jurisdiction to modify the order issued by the municipal court or 7767
county court. This division applies when the alleged offender is 7768
bound over to the court of common pleas as a result of the person 7769
waiving a preliminary hearing on the felony charge, as a result of 7770
the municipal court or county court having determined at a 7771
preliminary hearing that there is probable cause to believe that 7772
the felony has been committed and that the alleged offender 7773
committed it, as a result of the alleged offender having been 7774
indicted for the felony, or in any other manner. 7775

(E) A protection order that is issued as a pretrial condition 7776
of release under this section: 7777

(1) Is in addition to, but shall not be construed as a part 7778
of, any bail set under Criminal Rule 46; 7779

(2) Is effective only until the disposition, by the court 7780
that issued the order or, in the circumstances described in 7781
division (D)(3) of this section, by the court of common pleas to 7782
which the alleged offender is bound over for prosecution, of the 7783
criminal proceeding arising out of the complaint upon which the 7784
order is based or until the issuance under section 2903.214 of the 7785
Revised Code of a protection order arising out of the same 7786
activities as those that were the basis of the complaint filed 7787

under this section; 7788

(3) Shall not be construed as a finding that the alleged 7789
offender committed the alleged offense and shall not be introduced 7790
as evidence of the commission of the offense at the trial of the 7791
alleged offender on the complaint upon which the order is based. 7792

(F) A person who meets the criteria for bail under Criminal 7793
Rule 46 and who, if required to do so pursuant to that rule, 7794
executes or posts bond or deposits cash or securities as bail, 7795
shall not be held in custody pending a hearing before the court on 7796
a motion requesting a protection order under this section. 7797

(G)(1) A copy of a protection order that is issued under this 7798
section shall be issued by the court to the complainant, to the 7799
alleged victim, to the person who requested the order, to the 7800
defendant, and to all law enforcement agencies that have 7801
jurisdiction to enforce the order. The court shall direct that a 7802
copy of the order be delivered to the defendant on the same day 7803
that the order is entered. If a municipal court or a county court 7804
issues a protection order under this section and if, subsequent to 7805
the issuance of the order, the defendant who is the subject of the 7806
order is bound over to the court of common pleas for prosecution 7807
as described in division (D)(3) of this section, the municipal 7808
court or county court shall direct that a copy of the order be 7809
delivered to the court of common pleas to which the defendant is 7810
bound over. 7811

(2) Upon the issuance of a protection order under this 7812
section, the court shall provide the parties to the order with the 7813
following notice orally or by form: 7814

"NOTICE 7815

If you are convicted of a misdemeanor crime involving 7816
violence in which you are or were a spouse, intimate partner, 7817
parent, or guardian of the victim or are or were involved in 7818

another, similar relationship with the victim, it may be unlawful 7819
for you to possess or purchase a firearm, including a rifle, 7820
pistol, or revolver, or ammunition pursuant to federal law under 7821
18 U.S.C. 922(g)(9). If you have any questions whether this law 7822
makes it illegal for you to possess or purchase a firearm or 7823
ammunition, you should consult an attorney." 7824

(3) All law enforcement agencies shall establish and maintain 7825
an index for the protection orders delivered to the agencies 7826
pursuant to division (G)(1) of this section. With respect to each 7827
order delivered, each agency shall note on the index the date and 7828
time of the agency's receipt of the order. 7829

~~(3)~~(4) Regardless of whether the petitioner has registered 7830
the protection order in the county in which the officer's agency 7831
has jurisdiction, any officer of a law enforcement agency shall 7832
enforce a protection order issued pursuant to this section in 7833
accordance with the provisions of the order. 7834

(H) Upon a violation of a protection order issued pursuant to 7835
this section, the court may issue another protection order under 7836
this section, as a pretrial condition of release, that modifies 7837
the terms of the order that was violated. 7838

(I) Notwithstanding any provision of law to the contrary and 7839
regardless of whether a protection order is issued or a consent 7840
agreement is approved by a court of another county or by a court 7841
of another state, no court or unit of state or local government 7842
shall charge any fee, cost, deposit, or money in connection with 7843
the filing of a motion pursuant to this section, in connection 7844
with the filing, issuance, registration, or service of a 7845
protection order or consent agreement, or for obtaining certified 7846
copies of a protection order or consent agreement. 7847

(J) As used in this section, "sexually oriented offense" has 7848
the same meaning as in section 2950.01 of the Revised Code. 7849

Sec. 2903.214. (A) As used in this section:	7850
(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	7851 7852
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	7853 7854
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	7855 7856
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	7857 7858
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	7859 7860
(B) The court has jurisdiction over all proceedings under this section.	7861 7862
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state both of the following:	7863 7864 7865 7866 7867
(1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;	7868 7869 7870 7871 7872 7873
(2) A request for relief under this section.	7874
(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the	7875 7876 7877 7878

petition is filed. The court, for good cause shown at the ex parte 7879
hearing, may enter any temporary orders, with or without bond, 7880
that the court finds necessary for the safety and protection of 7881
the person to be protected by the order. Immediate and present 7882
danger to the person to be protected by the protection order 7883
constitutes good cause for purposes of this section. Immediate and 7884
present danger includes, but is not limited to, situations in 7885
which the respondent has threatened the person to be protected by 7886
the protection order with bodily harm or in which the respondent 7887
previously has been convicted of or pleaded guilty to a violation 7888
of section 2903.211 of the Revised Code or a sexually oriented 7889
offense against the person to be protected by the protection 7890
order. 7891

(2)(a) If the court, after an ex parte hearing, issues a 7892
protection order described in division (E) of this section, the 7893
court shall schedule a full hearing for a date that is within ten 7894
court days after the ex parte hearing. The court shall give the 7895
respondent notice of, and an opportunity to be heard at, the full 7896
hearing. The court shall hold the full hearing on the date 7897
scheduled under this division unless the court grants a 7898
continuance of the hearing in accordance with this division. Under 7899
any of the following circumstances or for any of the following 7900
reasons, the court may grant a continuance of the full hearing to 7901
a reasonable time determined by the court: 7902

(i) Prior to the date scheduled for the full hearing under 7903
this division, the respondent has not been served with the 7904
petition filed pursuant to this section and notice of the full 7905
hearing. 7906

(ii) The parties consent to the continuance. 7907

(iii) The continuance is needed to allow a party to obtain 7908
counsel. 7909

(iv) The continuance is needed for other good cause. 7910

(b) An ex parte order issued under this section does not 7911
expire because of a failure to serve notice of the full hearing 7912
upon the respondent before the date set for the full hearing under 7913
division (D)(2)(a) of this section or because the court grants a 7914
continuance under that division. 7915

(3) If a person who files a petition pursuant to this section 7916
does not request an ex parte order, or if a person requests an ex 7917
parte order but the court does not issue an ex parte order after 7918
an ex parte hearing, the court shall proceed as in a normal civil 7919
action and grant a full hearing on the matter. 7920

(E)(1) After an ex parte or full hearing, the court may issue 7921
any protection order, with or without bond, that contains terms 7922
designed to ensure the safety and protection of the person to be 7923
protected by the protection order, including, but not limited to, 7924
a requirement that the respondent refrain from entering the 7925
residence, school, business, or place of employment of the 7926
petitioner or family or household member. If the court includes a 7927
requirement that the respondent refrain from entering the 7928
residence, school, business, or place of employment of the 7929
petitioner or family or household member in the order, it also 7930
shall include in the order provisions of the type described in 7931
division (E)(5) of this section. 7932

(2)(a) Any protection order issued pursuant to this section 7933
shall be valid until a date certain but not later than five years 7934
from the date of its issuance. 7935

(b) Any protection order issued pursuant to this section may 7936
be renewed in the same manner as the original order was issued. 7937

(3) A court may not issue a protection order that requires a 7938
petitioner to do or to refrain from doing an act that the court 7939
may require a respondent to do or to refrain from doing under 7940

division (E)(1) of this section unless all of the following apply: 7941

(a) The respondent files a separate petition for a protection 7942
order in accordance with this section. 7943

(b) The petitioner is served with notice of the respondent's 7944
petition at least forty-eight hours before the court holds a 7945
hearing with respect to the respondent's petition, or the 7946
petitioner waives the right to receive this notice. 7947

(c) If the petitioner has requested an ex parte order 7948
pursuant to division (D) of this section, the court does not delay 7949
any hearing required by that division beyond the time specified in 7950
that division in order to consolidate the hearing with a hearing 7951
on the petition filed by the respondent. 7952

(d) After a full hearing at which the respondent presents 7953
evidence in support of the request for a protection order and the 7954
petitioner is afforded an opportunity to defend against that 7955
evidence, the court determines that the petitioner has committed a 7956
violation of section 2903.211 of the Revised Code against the 7957
person to be protected by the protection order issued pursuant to 7958
this section, has committed a sexually oriented offense against 7959
the person to be protected by the protection order, or has 7960
violated a protection order issued pursuant to section 2903.213 of 7961
the Revised Code relative to the person to be protected by the 7962
protection order issued pursuant to this section. 7963

(4) No protection order issued pursuant to this section shall 7964
in any manner affect title to any real property. 7965

(5)(a) If the court issues a protection order under this 7966
section that includes a requirement that the alleged offender 7967
refrain from entering the residence, school, business, or place of 7968
employment of the petitioner or a family or household member, the 7969
order shall clearly state that the order cannot be waived or 7970
nullified by an invitation to the alleged offender from the 7971

complainant to enter the residence, school, business, or place of 7972
employment or by the alleged offender's entry into one of those 7973
places otherwise upon the consent of the petitioner or family or 7974
household member. 7975

(b) Division (E)(5)(a) of this section does not limit any 7976
discretion of a court to determine that an alleged offender 7977
charged with a violation of section 2919.27 of the Revised Code, 7978
with a violation of a municipal ordinance substantially equivalent 7979
to that section, or with contempt of court, which charge is based 7980
on an alleged violation of a protection order issued under this 7981
section, did not commit the violation or was not in contempt of 7982
court. 7983

(F)(1) The court shall cause the delivery of a copy of any 7984
protection order that is issued under this section to the 7985
petitioner, to the respondent, and to all law enforcement agencies 7986
that have jurisdiction to enforce the order. The court shall 7987
direct that a copy of the order be delivered to the respondent on 7988
the same day that the order is entered. 7989

(2) Upon the issuance of a protection order under this 7990
section, the court shall provide the parties to the order with the 7991
following notice orally or by form: 7992

"NOTICE 7993

As a result of this order, it may be unlawful for you to 7994
possess or purchase a firearm, including a rifle, pistol, or 7995
revolver, or ammunition pursuant to federal law under 18 U.S.C. 7996
922(g)(8). If you have any questions whether this law makes it 7997
illegal for you to possess or purchase a firearm or ammunition, 7998
you should consult an attorney." 7999

(3) All law enforcement agencies shall establish and maintain 8000
an index for the protection orders delivered to the agencies 8001
pursuant to division (F)(1) of this section. With respect to each 8002

order delivered, each agency shall note on the index the date and 8003
time that it received the order. 8004

~~(3)~~(4) Regardless of whether the petitioner has registered 8005
the protection order in the county in which the officer's agency 8006
has jurisdiction pursuant to division (M) of this section, any 8007
officer of a law enforcement agency shall enforce a protection 8008
order issued pursuant to this section by any court in this state 8009
in accordance with the provisions of the order, including removing 8010
the respondent from the premises, if appropriate. 8011

(G) Any proceeding under this section shall be conducted in 8012
accordance with the Rules of Civil Procedure, except that a 8013
protection order may be obtained under this section with or 8014
without bond. An order issued under this section, other than an ex 8015
parte order, that grants a protection order, or that refuses to 8016
grant a protection order, is a final, appealable order. The 8017
remedies and procedures provided in this section are in addition 8018
to, and not in lieu of, any other available civil or criminal 8019
remedies. 8020

(H) The filing of proceedings under this section does not 8021
excuse a person from filing any report or giving any notice 8022
required by section 2151.421 of the Revised Code or by any other 8023
law. 8024

(I) Any law enforcement agency that investigates an alleged 8025
violation of section 2903.211 of the Revised Code or an alleged 8026
commission of a sexually oriented offense shall provide 8027
information to the victim and the family or household members of 8028
the victim regarding the relief available under this section and 8029
section 2903.213 of the Revised Code. 8030

(J) Notwithstanding any provision of law to the contrary and 8031
regardless of whether a protection order is issued or a consent 8032
agreement is approved by a court of another county or by a court 8033

of another state, no court or unit of state or local government 8034
shall charge any fee, cost, deposit, or money in connection with 8035
the filing of a petition pursuant to this section, in connection 8036
with the filing, issuance, registration, or service of a 8037
protection order or consent agreement, or for obtaining a 8038
certified copy of a protection order or consent agreement. 8039

(K)(1) A person who violates a protection order issued under 8040
this section is subject to the following sanctions: 8041

(a) Criminal prosecution for a violation of section 2919.27 8042
of the Revised Code, if the violation of the protection order 8043
constitutes a violation of that section; 8044

(b) Punishment for contempt of court. 8045

(2) The punishment of a person for contempt of court for 8046
violation of a protection order issued under this section does not 8047
bar criminal prosecution of the person for a violation of section 8048
2919.27 of the Revised Code. However, a person punished for 8049
contempt of court is entitled to credit for the punishment imposed 8050
upon conviction of a violation of that section, and a person 8051
convicted of a violation of that section shall not subsequently be 8052
punished for contempt of court arising out of the same activity. 8053

(L) In all stages of a proceeding under this section, a 8054
petitioner may be accompanied by a victim advocate. 8055

(M)(1) A petitioner who obtains a protection order under this 8056
section or a protection order under section 2903.213 of the 8057
Revised Code may provide notice of the issuance or approval of the 8058
order to the judicial and law enforcement officials in any county 8059
other than the county in which the order is issued by registering 8060
that order in the other county pursuant to division (M)(2) of this 8061
section and filing a copy of the registered order with a law 8062
enforcement agency in the other county in accordance with that 8063
division. A person who obtains a protection order issued by a 8064

court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a protection order issued pursuant to this section or section 2903.213 of the Revised Code in a county other than the county in which the court that issued the order is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered.

(b) Upon accepting the certified copy of the order for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order and give the petitioner a copy of the order that bears that proof of registration.

(3) The clerk of each court of common pleas, municipal court, or county court shall maintain a registry of certified copies of protection orders that have been issued by courts in other counties pursuant to this section or section 2903.213 of the Revised Code and that have been registered with the clerk.

Sec. 2907.10. (A)(1) A peace officer, prosecutor, or public official shall not ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition to the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense.

(2) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not prevent the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense. 8095
8096
8097
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8099

(3) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not be commented on at trial or in any court proceeding. 8100
8101
8102

(B) As used in this section: 8103

(1) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code. 8104
8105

(2) "Polygraph examination" means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question an individual for the purpose of determining the individual's truthfulness. 8106
8107
8108
8109

(3) "Prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding. 8110
8111
8112

(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 8113
8114

(5) "Public official" has the same meaning as in section 117.01 of the Revised Code. 8115
8116

(6) "Sex offense" means a violation of any provision of sections 2907.02 to 2907.09 of the Revised Code. 8117
8118

Sec. 2915.101. Except as otherwise provided by law, a charitable organization that conducts instant bingo shall distribute the net profit from the proceeds of the sale of instant bingo as follows: 8119
8120
8121
8122

(A)(1) If a veteran's organization, a fraternal organization, 8123

or a sporting organization conducted the instant bingo, the 8124
organization shall distribute the net profit from the proceeds of 8125
the sale of instant bingo, as follows: 8126

(a) For the first ~~seventy-five~~ one hundred fifty thousand 8127
dollars, or a greater amount prescribed by the attorney general to 8128
adjust for changes in prices as measured by the consumer price 8129
index as defined in section 325.18 of the Revised Code and other 8130
factors affecting the organization's expenses as defined in 8131
division (LL) of section 2915.01 of the Revised Code, or less of 8132
net profit from the proceeds of the sale of instant bingo 8133
generated in a calendar year: 8134

(i) At least twenty-five per cent shall be distributed to an 8135
organization described in division (Z)(1) of section 2915.01 of 8136
the Revised Code or to a department or agency of the federal 8137
government, the state, or any political subdivision. 8138

(ii) Not more than seventy-five per cent may be deducted and 8139
retained by the organization for reimbursement of or for the 8140
organization's expenses, as defined in division (LL) of section 8141
2915.01 of the Revised Code, in conducting the instant bingo game. 8142

(b) For any net profit from the proceeds of the sale of 8143
instant bingo of more than ~~seventy-five~~ one hundred fifty thousand 8144
dollars or an adjusted amount generated in a calendar year: 8145

(i) A minimum of fifty per cent shall be distributed to an 8146
organization described in division (Z)(1) of section 2915.01 of 8147
the Revised Code or to a department or agency of the federal 8148
government, the state, or any political subdivision. 8149

(ii) Five per cent may be distributed for the organization's 8150
own charitable purposes or to a community action agency. 8151

(iii) Forty-five per cent may be deducted and retained by the 8152
organization for reimbursement of or for the organization's 8153
expenses, as defined in division (LL) of section 2915.01 of the 8154

Revised Code, in conducting the instant bingo game. 8155

(2) If a veteran's organization, a fraternal organization, or 8156
a sporting organization does not distribute the full percentages 8157
specified in divisions (A)(1)(a) and (b) of this section for the 8158
purposes specified in those divisions, the organization shall 8159
distribute the balance of the net profit from the proceeds of the 8160
sale of instant bingo not distributed or retained for those 8161
purposes to an organization described in division (Z)(1) of 8162
section 2915.01 of the Revised Code. 8163

(B) If a charitable organization other than a veteran's 8164
organization, a fraternal organization, or a sporting organization 8165
conducted the instant bingo, the organization shall distribute one 8166
hundred per cent of the net profit from the proceeds of the sale 8167
of instant bingo to an organization described in division (Z)(1) 8168
of section 2915.01 of the Revised Code or to a department or 8169
agency of the federal government, the state, or any political 8170
subdivision. 8171

(C) Nothing in this section prohibits a veteran's 8172
organization, a fraternal organization, or a sporting organization 8173
from distributing any net profit from the proceeds of the sale of 8174
instant bingo to an organization that is described in subsection 8175
501(c)(3) of the Internal Revenue Code when the organization that 8176
is described in subsection 501(c)(3) of the Internal Revenue Code 8177
is one that makes donations to other organizations and permits 8178
donors to advise or direct such donations so long as the donations 8179
comply with requirements established in or pursuant to subsection 8180
501(c)(3) of the Internal Revenue Code. 8181

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 8182
alleges a violation of section 2909.06, 2909.07, 2911.12, or 8183
2911.211 of the Revised Code if the alleged victim of the 8184
violation was a family or household member at the time of the 8185

violation, a violation of a municipal ordinance that is 8186
substantially similar to any of those sections if the alleged 8187
victim of the violation was a family or household member at the 8188
time of the violation, any offense of violence if the alleged 8189
victim of the offense was a family or household member at the time 8190
of the commission of the offense, or any sexually oriented offense 8191
if the alleged victim of the offense was a family or household 8192
member at the time of the commission of the offense, the 8193
complainant, the alleged victim, or a family or household member 8194
of an alleged victim may file, or, if in an emergency the alleged 8195
victim is unable to file, a person who made an arrest for the 8196
alleged violation or offense under section 2935.03 of the Revised 8197
Code may file on behalf of the alleged victim, a motion that 8198
requests the issuance of a temporary protection order as a 8199
pretrial condition of release of the alleged offender, in addition 8200
to any bail set under Criminal Rule 46. The motion shall be filed 8201
with the clerk of the court that has jurisdiction of the case at 8202
any time after the filing of the complaint. 8203

(2) For purposes of section 2930.09 of the Revised Code, all 8204
stages of a proceeding arising out of a complaint alleging the 8205
commission of a violation, offense of violence, or sexually 8206
oriented offense described in division (A)(1) of this section, 8207
including all proceedings on a motion for a temporary protection 8208
order, are critical stages of the case, and a victim may be 8209
accompanied by a victim advocate or another person to provide 8210
support to the victim as provided in that section. 8211

(B) The motion shall be prepared on a form that is provided 8212
by the clerk of the court, which form shall be substantially as 8213
follows: 8214

"MOTION FOR TEMPORARY PROTECTION ORDER 8215
..... Court 8216
Name and address of court 8217

State of Ohio 8218

v. No. 8219

..... 8220

Name of Defendant 8221

(name of person), moves the court to issue a temporary protection 8222
order containing terms designed to ensure the safety and 8223
protection of the complainant, alleged victim, and other family or 8224
household members, in relation to the named defendant, pursuant to 8225
its authority to issue such an order under section 2919.26 of the 8226
Revised Code. 8227

A complaint, a copy of which has been attached to this 8228
motion, has been filed in this court charging the named defendant 8229
with (name of the specified violation, 8230
the offense of violence, or sexually oriented offense charged) in 8231
circumstances in which the victim was a family or household member 8232
in violation of (section of the Revised Code designating the 8233
specified violation, offense of violence, or sexually oriented 8234
offense charged), or charging the named defendant with a violation 8235
of a municipal ordinance that is substantially similar to 8236
..... (section of the Revised Code designating 8237
the specified violation, offense of violence, or sexually oriented 8238
offense charged) involving a family or household member. 8239

I understand that I must appear before the court, at a time 8240
set by the court within twenty-four hours after the filing of this 8241
motion, for a hearing on the motion or that, if I am unable to 8242
appear because of hospitalization or a medical condition resulting 8243
from the offense alleged in the complaint, a person who can 8244
provide information about my need for a temporary protection order 8245
must appear before the court in lieu of my appearing in court. I 8246
understand that any temporary protection order granted pursuant to 8247
this motion is a pretrial condition of release and is effective 8248

only until the disposition of the criminal proceeding arising out 8249
of the attached complaint, or the issuance of a civil protection 8250
order or the approval of a consent agreement, arising out of the 8251
same activities as those that were the basis of the complaint, 8252
under section 3113.31 of the Revised Code. 8253
..... 8254
Signature of person 8255
(or signature of the arresting officer who filed the motion on 8256
behalf of the alleged victim) 8257
..... 8258
Address of person (or office address of the arresting officer who 8259
filed the motion on behalf of the alleged victim)" 8260
(C)(1) As soon as possible after the filing of a motion that 8261
requests the issuance of a temporary protection order, but not 8262
later than twenty-four hours after the filing of the motion, the 8263
court shall conduct a hearing to determine whether to issue the 8264
order. The person who requested the order shall appear before the 8265
court and provide the court with the information that it requests 8266
concerning the basis of the motion. If the person who requested 8267
the order is unable to appear and if the court finds that the 8268
failure to appear is because of the person's hospitalization or 8269
medical condition resulting from the offense alleged in the 8270
complaint, another person who is able to provide the court with 8271
the information it requests may appear in lieu of the person who 8272
requested the order. If the court finds that the safety and 8273
protection of the complainant, alleged victim, or any other family 8274
or household member of the alleged victim may be impaired by the 8275
continued presence of the alleged offender, the court may issue a 8276
temporary protection order, as a pretrial condition of release, 8277
that contains terms designed to ensure the safety and protection 8278
of the complainant, alleged victim, or the family or household 8279

member, including a requirement that the alleged offender refrain 8280
from entering the residence, school, business, or place of 8281
employment of the complainant, alleged victim, or the family or 8282
household member. 8283

(2)(a) If the court issues a temporary protection order that 8284
includes a requirement that the alleged offender refrain from 8285
entering the residence, school, business, or place of employment 8286
of the complainant, the alleged victim, or the family or household 8287
member, the order shall state clearly that the order cannot be 8288
waived or nullified by an invitation to the alleged offender from 8289
the complainant, alleged victim, or family or household member to 8290
enter the residence, school, business, or place of employment or 8291
by the alleged offender's entry into one of those places otherwise 8292
upon the consent of the complainant, alleged victim, or family or 8293
household member. 8294

(b) Division (C)(2)(a) of this section does not limit any 8295
discretion of a court to determine that an alleged offender 8296
charged with a violation of section 2919.27 of the Revised Code, 8297
with a violation of a municipal ordinance substantially equivalent 8298
to that section, or with contempt of court, which charge is based 8299
on an alleged violation of a temporary protection order issued 8300
under this section, did not commit the violation or was not in 8301
contempt of court. 8302

(D)(1) Upon the filing of a complaint that alleges a 8303
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 8304
Revised Code if the alleged victim of the violation was a family 8305
or household member at the time of the violation, a violation of a 8306
municipal ordinance that is substantially similar to any of those 8307
sections if the alleged victim of the violation was a family or 8308
household member at the time of the violation, any offense of 8309
violence if the alleged victim of the offense was a family or 8310
household member at the time of the commission of the offense, or 8311

any sexually oriented offense if the alleged victim of the offense 8312
was a family or household member at the time of the commission of 8313
the offense, the court, upon its own motion, may issue a temporary 8314
protection order as a pretrial condition of release if it finds 8315
that the safety and protection of the complainant, alleged victim, 8316
or other family or household member of the alleged offender may be 8317
impaired by the continued presence of the alleged offender. 8318

(2) If the court issues a temporary protection order under 8319
this section as an ex parte order, it shall conduct, as soon as 8320
possible after the issuance of the order, a hearing in the 8321
presence of the alleged offender not later than the next day on 8322
which the court is scheduled to conduct business after the day on 8323
which the alleged offender was arrested or at the time of the 8324
appearance of the alleged offender pursuant to summons to 8325
determine whether the order should remain in effect, be modified, 8326
or be revoked. The hearing shall be conducted under the standards 8327
set forth in division (C) of this section. 8328

(3) An order issued under this section shall contain only 8329
those terms authorized in orders issued under division (C) of this 8330
section. 8331

(4) If a municipal court or a county court issues a temporary 8332
protection order under this section and if, subsequent to the 8333
issuance of the order, the alleged offender who is the subject of 8334
the order is bound over to the court of common pleas for 8335
prosecution of a felony arising out of the same activities as 8336
those that were the basis of the complaint upon which the order is 8337
based, notwithstanding the fact that the order was issued by a 8338
municipal court or county court, the order shall remain in effect, 8339
as though it were an order of the court of common pleas, while the 8340
charges against the alleged offender are pending in the court of 8341
common pleas, for the period of time described in division (E)(2) 8342
of this section, and the court of common pleas has exclusive 8343

jurisdiction to modify the order issued by the municipal court or 8344
county court. This division applies when the alleged offender is 8345
bound over to the court of common pleas as a result of the person 8346
waiving a preliminary hearing on the felony charge, as a result of 8347
the municipal court or county court having determined at a 8348
preliminary hearing that there is probable cause to believe that 8349
the felony has been committed and that the alleged offender 8350
committed it, as a result of the alleged offender having been 8351
indicted for the felony, or in any other manner. 8352

(E) A temporary protection order that is issued as a pretrial 8353
condition of release under this section: 8354

(1) Is in addition to, but shall not be construed as a part 8355
of, any bail set under Criminal Rule 46; 8356

(2) Is effective only until the occurrence of either of the 8357
following: 8358

(a) The disposition, by the court that issued the order or, 8359
in the circumstances described in division (D)(4) of this section, 8360
by the court of common pleas to which the alleged offender is 8361
bound over for prosecution, of the criminal proceeding arising out 8362
of the complaint upon which the order is based; 8363

(b) The issuance of a protection order or the approval of a 8364
consent agreement, arising out of the same activities as those 8365
that were the basis of the complaint upon which the order is 8366
based, under section 3113.31 of the Revised Code; 8367

(3) Shall not be construed as a finding that the alleged 8368
offender committed the alleged offense, and shall not be 8369
introduced as evidence of the commission of the offense at the 8370
trial of the alleged offender on the complaint upon which the 8371
order is based. 8372

(F) A person who meets the criteria for bail under Criminal 8373
Rule 46 and who, if required to do so pursuant to that rule, 8374

executes or posts bond or deposits cash or securities as bail, 8375
shall not be held in custody pending a hearing before the court on 8376
a motion requesting a temporary protection order. 8377

(G)(1) A copy of any temporary protection order that is 8378
issued under this section shall be issued by the court to the 8379
complainant, to the alleged victim, to the person who requested 8380
the order, to the defendant, and to all law enforcement agencies 8381
that have jurisdiction to enforce the order. The court shall 8382
direct that a copy of the order be delivered to the defendant on 8383
the same day that the order is entered. If a municipal court or a 8384
county court issues a temporary protection order under this 8385
section and if, subsequent to the issuance of the order, the 8386
defendant who is the subject of the order is bound over to the 8387
court of common pleas for prosecution as described in division 8388
(D)(4) of this section, the municipal court or county court shall 8389
direct that a copy of the order be delivered to the court of 8390
common pleas to which the defendant is bound over. 8391

(2) Upon the issuance of a protection order under this 8392
section, the court shall provide the parties to the order with the 8393
following notice orally or by form: 8394

"NOTICE 8395

If you are convicted of a misdemeanor crime involving 8396
violence in which you are or were a spouse, intimate partner, 8397
parent, or guardian of the victim or are or were involved in 8398
another, similar relationship with the victim, it may be unlawful 8399
for you to possess or purchase a firearm, including a rifle, 8400
pistol, or revolver, or ammunition pursuant to federal law under 8401
18 U.S.C. 922(g)(9). If you have any questions whether this law 8402
makes it illegal for you to possess or purchase a firearm or 8403
ammunition, you should consult an attorney." 8404

(3) All law enforcement agencies shall establish and maintain 8405
an index for the temporary protection orders delivered to the 8406

agencies pursuant to division (G)(1) of this section. With respect 8407
to each order delivered, each agency shall note on the index, the 8408
date and time of the receipt of the order by the agency. 8409

~~(3)~~(4) A complainant, alleged victim, or other person who 8411
obtains a temporary protection order under this section may 8412
provide notice of the issuance of the temporary protection order 8413
to the judicial and law enforcement officials in any county other 8414
than the county in which the order is issued by registering that 8415
order in the other county in accordance with division (N) of 8416
section 3113.31 of the Revised Code and filing a copy of the 8417
registered protection order with a law enforcement agency in the 8418
other county in accordance with that division. 8419

~~(4)~~(5) Any officer of a law enforcement agency shall enforce 8420
a temporary protection order issued by any court in this state in 8421
accordance with the provisions of the order, including removing 8422
the defendant from the premises, regardless of whether the order 8423
is registered in the county in which the officer's agency has 8424
jurisdiction as authorized by division (G)~~(3)~~(4) of this section. 8425

(H) Upon a violation of a temporary protection order, the 8426
court may issue another temporary protection order, as a pretrial 8427
condition of release, that modifies the terms of the order that 8428
was violated. 8429

(I)(1) As used in divisions (I)(1) and (2) of this section, 8430
"defendant" means a person who is alleged in a complaint to have 8431
committed a violation, offense of violence, or sexually oriented 8432
offense of the type described in division (A) of this section. 8433

(2) If a complaint is filed that alleges that a person 8434
committed a violation, offense of violence, or sexually oriented 8435
offense of the type described in division (A) of this section, the 8436
court may not issue a temporary protection order under this 8437

section that requires the complainant, the alleged victim, or 8438
another family or household member of the defendant to do or 8439
refrain from doing an act that the court may require the defendant 8440
to do or refrain from doing under a temporary protection order 8441
unless both of the following apply: 8442

(a) The defendant has filed a separate complaint that alleges 8443
that the complainant, alleged victim, or other family or household 8444
member in question who would be required under the order to do or 8445
refrain from doing the act committed a violation or offense of 8446
violence of the type described in division (A) of this section. 8447

(b) The court determines that both the complainant, alleged 8448
victim, or other family or household member in question who would 8449
be required under the order to do or refrain from doing the act 8450
and the defendant acted primarily as aggressors, that neither the 8451
complainant, alleged victim, or other family or household member 8452
in question who would be required under the order to do or refrain 8453
from doing the act nor the defendant acted primarily in 8454
self-defense, and, in accordance with the standards and criteria 8455
of this section as applied in relation to the separate complaint 8456
filed by the defendant, that it should issue the order to require 8457
the complainant, alleged victim, or other family or household 8458
member in question to do or refrain from doing the act. 8459

(J) Notwithstanding any provision of law to the contrary and 8460
regardless of whether a protection order is issued or a consent 8461
agreement is approved by a court of another county or a court of 8462
another state, no court or unit of state or local government shall 8463
charge any fee, cost, deposit, or money in connection with the 8464
filing of a motion pursuant to this section, in connection with 8465
the filing, issuance, registration, or service of a protection 8466
order or consent agreement, or for obtaining a certified copy of a 8467
protection order or consent agreement. 8468

(K) As used in this section: 8469

(1) "Sexually oriented offense" has the same meaning as in 8470
section 2950.01 of the Revised Code. 8471

(2) "Victim advocate" means a person who provides support and 8472
assistance for a victim of an offense during court proceedings. 8473

Sec. 2921.13. (A) No person shall knowingly make a false 8474
statement, or knowingly swear or affirm the truth of a false 8475
statement previously made, when any of the following applies: 8476

(1) The statement is made in any official proceeding. 8477

(2) The statement is made with purpose to incriminate 8478
another. 8479

(3) The statement is made with purpose to mislead a public 8480
official in performing the public official's official function. 8481

(4) The statement is made with purpose to secure the payment 8482
of unemployment compensation; Ohio works first; prevention, 8483
retention, and contingency benefits and services; disability 8484
financial assistance; retirement benefits; economic development 8485
assistance, as defined in section 9.66 of the Revised Code; or 8486
other benefits administered by a governmental agency or paid out 8487
of a public treasury. 8488

(5) The statement is made with purpose to secure the issuance 8489
by a governmental agency of a license, permit, authorization, 8490
certificate, registration, release, or provider agreement. 8491

(6) The statement is sworn or affirmed before a notary public 8492
or another person empowered to administer oaths. 8493

(7) The statement is in writing on or in connection with a 8494
report or return that is required or authorized by law. 8495

(8) The statement is in writing and is made with purpose to 8496
induce another to extend credit to or employ the offender, to 8497
confer any degree, diploma, certificate of attainment, award of 8498

excellence, or honor on the offender, or to extend to or bestow 8499
upon the offender any other valuable benefit or distinction, when 8500
the person to whom the statement is directed relies upon it to 8501
that person's detriment. 8502

(9) The statement is made with purpose to commit or 8503
facilitate the commission of a theft offense. 8504

(10) The statement is knowingly made to a probate court in 8505
connection with any action, proceeding, or other matter within its 8506
jurisdiction, either orally or in a written document, including, 8507
but not limited to, an application, petition, complaint, or other 8508
pleading, or an inventory, account, or report. 8509

(11) The statement is made on an account, form, record, 8510
stamp, label, or other writing that is required by law. 8511

(12) The statement is made in connection with the purchase of 8512
a firearm, as defined in section 2923.11 of the Revised Code, and 8513
in conjunction with the furnishing to the seller of the firearm of 8514
a fictitious or altered driver's or commercial driver's license or 8515
permit, a fictitious or altered identification card, or any other 8516
document that contains false information about the purchaser's 8517
identity. 8518

(13) The statement is made in a document or instrument of 8519
writing that purports to be a judgment, lien, or claim of 8520
indebtedness and is filed or recorded with the secretary of state, 8521
a county recorder, or the clerk of a court of record. 8522

(14) The statement is made with purpose to obtain an Ohio's 8523
best Rx program enrollment card under section 173.773 of the 8524
Revised Code or a payment under section 173.801 of the Revised 8525
Code. 8526

(15) The statement is made in an application filed with a 8527
county sheriff pursuant to section 2923.125 of the Revised Code in 8528
order to obtain or renew a license to carry a concealed handgun or 8529

is made in an affidavit submitted to a county sheriff to obtain a 8530
temporary emergency license to carry a concealed handgun under 8531
section 2923.1213 of the Revised Code. 8532

(16) The statement is required under section ~~5743.72~~ 5743.71 8533
of the Revised Code in connection with the person's purchase of 8534
cigarettes or tobacco products in a delivery sale. 8535

(B) No person, in connection with the purchase of a firearm, 8536
as defined in section 2923.11 of the Revised Code, shall knowingly 8537
furnish to the seller of the firearm a fictitious or altered 8538
driver's or commercial driver's license or permit, a fictitious or 8539
altered identification card, or any other document that contains 8540
false information about the purchaser's identity. 8541

(C) No person, in an attempt to obtain a license to carry a 8542
concealed handgun under section 2923.125 of the Revised Code, 8543
shall knowingly present to a sheriff a fictitious or altered 8544
document that purports to be certification of the person's 8545
competence in handling a handgun as described in division (B)(3) 8546
of section 2923.125 of the Revised Code. 8547

(D) It is no defense to a charge under division (A)(6) of 8548
this section that the oath or affirmation was administered or 8549
taken in an irregular manner. 8550

(E) If contradictory statements relating to the same fact are 8551
made by the offender within the period of the statute of 8552
limitations for falsification, it is not necessary for the 8553
prosecution to prove which statement was false but only that one 8554
or the other was false. 8555

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 8556
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 8557
guilty of falsification, a misdemeanor of the first degree. 8558

(2) Whoever violates division (A)(9) of this section is 8559
guilty of falsification in a theft offense. Except as otherwise 8560

provided in this division, falsification in a theft offense is a 8561
misdemeanor of the first degree. If the value of the property or 8562
services stolen is five hundred dollars or more and is less than 8563
five thousand dollars, falsification in a theft offense is a 8564
felony of the fifth degree. If the value of the property or 8565
services stolen is five thousand dollars or more and is less than 8566
one hundred thousand dollars, falsification in a theft offense is 8567
a felony of the fourth degree. If the value of the property or 8568
services stolen is one hundred thousand dollars or more, 8569
falsification in a theft offense is a felony of the third degree. 8570

(3) Whoever violates division (A)(12) or (B) of this section 8571
is guilty of falsification to purchase a firearm, a felony of the 8572
fifth degree. 8573

(4) Whoever violates division (A)(15) or (C) of this section 8574
is guilty of falsification to obtain a concealed handgun license, 8575
a felony of the fourth degree. 8576

(G) A person who violates this section is liable in a civil 8577
action to any person harmed by the violation for injury, death, or 8578
loss to person or property incurred as a result of the commission 8579
of the offense and for reasonable attorney's fees, court costs, 8580
and other expenses incurred as a result of prosecuting the civil 8581
action commenced under this division. A civil action under this 8582
division is not the exclusive remedy of a person who incurs 8583
injury, death, or loss to person or property as a result of a 8584
violation of this section. 8585

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of the 8586
Revised Code: 8587

(A) "Deadly weapon" means any instrument, device, or thing 8588
capable of inflicting death, and designed or specially adapted for 8589
use as a weapon, or possessed, carried, or used as a weapon. 8590

(B)(1) "Firearm" means any deadly weapon capable of expelling 8591
or propelling one or more projectiles by the action of an 8592
explosive or combustible propellant. "Firearm" includes an 8593
unloaded firearm, and any firearm that is inoperable but that can 8594
readily be rendered operable. 8595

(2) When determining whether a firearm is capable of 8596
expelling or propelling one or more projectiles by the action of 8597
an explosive or combustible propellant, the trier of fact may rely 8598
upon circumstantial evidence, including, but not limited to, the 8599
representations and actions of the individual exercising control 8600
over the firearm. 8601

(C) "Handgun" means any of the following: 8602

(1) Any firearm that has a short stock and is designed to be 8603
held and fired by the use of a single hand; 8604

(2) Any combination of parts from which a firearm of a type 8605
described in division (C)(1) of this section can be assembled. 8606

(D) "Semi-automatic firearm" means any firearm designed or 8607
specially adapted to fire a single cartridge and automatically 8608
chamber a succeeding cartridge ready to fire, with a single 8609
function of the trigger. 8610

(E) "Automatic firearm" means any firearm designed or 8611
specially adapted to fire a succession of cartridges with a single 8612
function of the trigger. "Automatic firearm" also means any 8613
semi-automatic firearm designed or specially adapted to fire more 8614
than thirty-one cartridges without reloading, other than a firearm 8615
chambering only .22 caliber short, long, or long-rifle cartridges. 8616

(F) "Sawed-off firearm" means a shotgun with a barrel less 8617
than eighteen inches long, or a rifle with a barrel less than 8618
sixteen inches long, or a shotgun or rifle less than twenty-six 8619
inches long overall. 8620

- (G) "Zip-gun" means any of the following: 8621
- (1) Any firearm of crude and extemporized manufacture; 8622
- (2) Any device, including without limitation a starter's 8623
pistol, that is not designed as a firearm, but that is specially 8624
adapted for use as a firearm; 8625
- (3) Any industrial tool, signalling device, or safety device, 8626
that is not designed as a firearm, but that as designed is capable 8627
of use as such, when possessed, carried, or used as a firearm. 8628
- (H) "Explosive device" means any device designed or specially 8629
adapted to cause physical harm to persons or property by means of 8630
an explosion, and consisting of an explosive substance or agency 8631
and a means to detonate it. "Explosive device" includes without 8632
limitation any bomb, any explosive demolition device, any blasting 8633
cap or detonator containing an explosive charge, and any pressure 8634
vessel that has been knowingly tampered with or arranged so as to 8635
explode. 8636
- (I) "Incendiary device" means any firebomb, and any device 8637
designed or specially adapted to cause physical harm to persons or 8638
property by means of fire, and consisting of an incendiary 8639
substance or agency and a means to ignite it. 8640
- (J) "Ballistic knife" means a knife with a detachable blade 8641
that is propelled by a spring-operated mechanism. 8642
- (K) "Dangerous ordnance" means any of the following, except 8643
as provided in division (L) of this section: 8644
- (1) Any automatic or sawed-off firearm, zip-gun, or ballistic 8645
knife; 8646
- (2) Any explosive device or incendiary device; 8647
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 8648
cyclonite, TNT, picric acid, and other high explosives; amatol, 8649
tritonite, tetrytol, pentolite, pecretol, cyclitol, and other high 8650

explosive compositions; plastic explosives; dynamite, blasting
gelatin, gelatin dynamite, sensitized ammonium nitrate,
liquid-oxygen blasting explosives, blasting powder, and other
blasting agents; and any other explosive substance having
sufficient brisance or power to be particularly suitable for use
as a military explosive, or for use in mining, quarrying,
excavating, or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece,
grenade, mine, bomb, torpedo, or similar weapon, designed and
manufactured for military purposes, and the ammunition for that
weapon;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner
for use in converting any firearm or other device into a dangerous
ordnance.

(L) "Dangerous ordnance" does not include any of the
following:

(1) Any firearm, including a military weapon and the
ammunition for that weapon, and regardless of its actual age, that
employs a percussion cap or other obsolete ignition system, or
that is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for
sporting purposes, including a military weapon as issued or as
modified, and the ammunition for that weapon, unless the firearm
is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece that, regardless of
its actual age, is of a type in accepted use prior to 1887, has no
mechanical, hydraulic, pneumatic, or other system for absorbing
recoil and returning the tube into battery without displacing the
carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps 8681
possessed and lawfully used to fire a cannon of a type defined in 8682
division (L)(3) of this section during displays, celebrations, 8683
organized matches or shoots, and target practice, and smokeless 8684
and black powder, primers, and percussion caps possessed and 8685
lawfully used as a propellant or ignition device in small-arms or 8686
small-arms ammunition; 8687

(5) Dangerous ordnance that is inoperable or inert and cannot 8688
readily be rendered operable or activated, and that is kept as a 8689
trophy, souvenir, curio, or museum piece. 8690

(6) Any device that is expressly excepted from the definition 8691
of a destructive device pursuant to the "Gun Control Act of 1968," 8692
82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations 8693
issued under that act. 8694

(M) "Explosive" means any chemical compound, mixture, or 8695
device, the primary or common purpose of which is to function by 8696
explosion. "Explosive" includes all materials that have been 8697
classified as ~~class A, class B, or class C~~ division 1.1, division 8698
1.2, division 1.3, or division 1.4 explosives by the United States 8699
department of transportation in its regulations and includes, but 8700
is not limited to, dynamite, black powder, pellet powders, 8701
initiating explosives, blasting caps, electric blasting caps, 8702
safety fuses, fuse igniters, squibs, cordeau detonant fuses, 8703
instantaneous fuses, and igniter cords and igniters. "Explosive" 8704
does not include "fireworks," as defined in section 3743.01 of the 8705
Revised Code, or any substance or material otherwise meeting the 8706
definition of explosive that is not subject to regulation under 8707
set forth in this section that is manufactured, sold, possessed, 8708
transported, stored, or used in any activity described in section 8709
3743.80 of the Revised Code, provided the activity is conducted in 8710
accordance with all applicable laws, rules, and regulations, 8711
including, but not limited to, the provisions of section 3743.80 8712

of the Revised Code and the rules of the fire marshal adopted 8713
pursuant to section 3737.82 of the Revised Code. 8714

Sec. 2943.033. (A) As used in this section, "person living as 8715
a spouse" means a person who is living or has lived with the 8716
defendant in a common law marital relationship, who otherwise is 8717
cohabiting with the defendant, or who otherwise has cohabited with 8718
the defendant within five years prior to the date of the alleged 8719
commission of the act in question. 8720

(B) The notice required under division (C) of this section 8721
shall be provided to a defendant when the alleged victim is any of 8722
the following: 8723

(1) A spouse, person living as a spouse, or former spouse of 8724
the defendant; 8725

(2) A parent or child of the defendant; 8726

(3) A parent or child of a spouse, person living as a spouse, 8727
or former spouse of the defendant; 8728

(4) The natural parent of any child of whom the defendant is 8729
the other natural or putative natural parent. 8730

(C) Prior to accepting a guilty plea or plea of no contest to 8731
an indictment, information, or complaint that charges a person 8732
with a misdemeanor offense of violence, the court shall inform the 8733
defendant either personally or in writing that under 18 U.S.C. 8734
922(g)(9) it may be unlawful for the person to ship, transport, 8735
purchase, or possess a firearm or ammunition as a result of any 8736
conviction for a misdemeanor offense of violence. The plea may not 8737
be vacated based on a failure to inform the person so charged 8738
regarding the restrictions under 18 U.S.C. 922(g)(9). 8739

Sec. 2949.092. If a person is convicted of or pleads guilty 8740
to an offense and the court specifically is required, pursuant to 8741

section 2743.70, 2949.091, ~~or~~ 2949.093, or 2949.094 of the Revised Code or pursuant to any other section of the Revised Code to impose a specified sum of money as costs in the case in addition to any other costs that the court is required or permitted by law to impose in the case, the court shall not waive the payment of the specified additional court costs that the section of the Revised Code specifically requires the court to impose unless the court determines that the offender is indigent and the court waives the payment of all court costs imposed upon the offender.

Sec. 2949.094. (A) The court in which any person is convicted of or pleads guilty to any moving violation shall impose an additional court cost of ten dollars upon the offender. The court shall not waive the payment of the ten dollars unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender.

The clerk of the court shall transmit thirty-five per cent of all additional court costs collected pursuant to this division during a month on or before the twenty-third day of the following month to the division of criminal justice services, and the division of criminal justice services shall deposit the money so transmitted into the drug law enforcement fund created under section 5502.68 of the Revised Code. The clerk shall transmit fifteen per cent of all additional court costs so collected during a month on or before the twenty-third day of the following month to the state treasury to be credited to the indigent drivers alcohol treatment fund created under section 4511.191 of the Revised Code and to be distributed by the department of alcohol and drug addiction services as provided in division (H) of that section. The clerk shall transmit fifty per cent of all additional court costs so collected during a month on or before the twenty-third day of the following month to the state treasury to be credited to the indigent defense support fund created pursuant

to section 120.08 of the Revised Code. 8774

(B) The juvenile court in which a child is found to be a 8775
juvenile traffic offender for an act that is a moving violation 8776
shall impose an additional court cost of ten dollars upon the 8777
juvenile traffic offender. The juvenile court shall not waive the 8778
payment of the ten dollars unless the court determines that the 8779
juvenile is indigent and waives the payment of all court costs 8780
imposed upon the indigent offender. 8781

The clerk of the court shall transmit thirty-five per cent of 8782
all additional court costs collected pursuant to this division 8783
during a month on or before the twenty-third day of the following 8784
month to the division of criminal justice services, and the 8785
division of criminal justice services shall deposit the money so 8786
transmitted into the drug law enforcement fund created under 8787
section 5502.68 of the Revised Code. The clerk shall transmit 8788
fifteen per cent of all additional court costs so collected during 8789
a month on or before the twenty-third day of the following month 8790
to the state treasury to be credited to the indigent drivers 8791
alcohol treatment fund created under that section 4511.191 of the 8792
Revised Code and to be distributed by the department of alcohol 8793
and drug addiction services as provided in division (H) of that 8794
section. The clerk shall transmit fifty per cent of all additional 8795
court costs so collected during a month on or before the 8796
twenty-third day of the following month to the state treasury to 8797
be credited to the indigent defense support fund created pursuant 8798
to section 120.08 of the Revised Code. 8799

(C) Whenever a person is charged with any offense that is a 8800
moving violation and posts bail, the court shall add to the amount 8801
of the bail the ten dollars required to be paid by division (A) of 8802
this section. The clerk of the court shall retain the ten dollars 8803
until the person is convicted, pleads guilty, forfeits bail, is 8804
found not guilty, or has the charges dismissed. If the person is 8805

convicted, pleads guilty, or forfeits bail, the clerk shall 8806
transmit three and fifty cents out of the ten dollars to the 8807
division of criminal justice services, and the division of 8808
criminal justice services shall deposit the money so transmitted 8809
into the drug law enforcement fund created under section 5502.68 8810
of the Revised Code, the clerk shall transmit one dollar and fifty 8811
cents out of the ten dollars to the state treasury to be credited 8812
to the indigent drivers alcohol treatment fund created under 8813
section 4511.191 of the Revised Code and to be distributed by the 8814
department of alcohol and drug addiction services as provided in 8815
division (H) of that section, and the clerk shall transmit five 8816
dollars out of the ten dollars to the state treasury to be 8817
credited to the indigent defense support fund created under 8818
section 120.08 of the Revised Code. If the person is found not 8819
guilty or the charges are dismissed, the clerk shall return the 8820
ten dollars to the person. 8821

(D) No person shall be placed or held in a detention facility 8822
for failing to pay the court cost or bail that is required to be 8823
paid by this section. 8824

(E) As used in this section: 8825

(1) "Bail" and "moving violation" have the same meanings as 8826
in section 2949.093 of the Revised Code. 8827

(2) "Detention facility" has the same meaning as in section 8828
2921.01 of the Revised Code. 8829

(3) "Division of criminal justice services" means the 8830
division of criminal justice services of the department of public 8831
safety, created by section 5502.62 of the Revised Code. 8832

Sec. 3107.018. (A) A prospective adoptive parent may apply to 8833
the department of job and family services for a loan from the 8834
state adoption assistance loan fund created under section 5101.143 8835

of the Revised Code. Subject to available funds, the department 8836
may approve a state adoption assistance loan application, in whole 8837
or in part, or deny the application. In reviewing a loan 8838
application submitted to the department, the department shall 8839
consider the financial need of the prospective adoptive parent in 8840
determining whether to approve a loan application, in whole or in 8841
part, or deny the application. If the department approves a loan 8842
application, in whole or in part, and the child being adopted 8843
resides in Ohio, the department shall loan a prospective adoptive 8844
parent not more than three thousand dollars from the state 8845
adoption assistance loan fund. If the department approves a loan 8846
application, in whole or in part, and the child being adopted does 8847
not reside in Ohio, the department shall loan a prospective 8848
adoptive parent not more than two thousand dollars from the state 8849
adoption assistance loan fund. 8850

(B) A prospective adoptive parent who receives a loan under 8851
division (A) of this section shall use that loan for only a 8852
disbursement listed under division (C) of section 3107.055 of the 8853
Revised Code or an expense related to adopting from the public 8854
child welfare system. 8855

(C) This section applies to adoptions arranged by an attorney 8856
or by any public or private organization certified, licensed, or 8857
otherwise specially empowered by law or rule to place minors for 8858
adoption. 8859

Sec. 3111.04. (A) An action to determine the existence or 8860
nonexistence of the father and child relationship may be brought 8861
by the child or the child's personal representative, the child's 8862
mother or her personal representative, a man alleged or alleging 8863
himself to be the child's father, the child support enforcement 8864
agency of the county in which the child resides if the child's 8865
mother, father, or alleged father is a recipient of public 8866

assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's personal representative.

(B) An agreement does not bar an action under this section.

(C) If an action under this section is brought before the birth of the child and if the action is contested, all proceedings, except service of process and the taking of depositions to perpetuate testimony, may be stayed until after the birth.

(D) A recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall cooperate with the child support enforcement agency of the county in which a child resides to obtain an administrative determination pursuant to sections 3111.38 to 3111.54 of the Revised Code, or, if necessary, a court determination pursuant to sections 3111.01 to 3111.18 of the Revised Code, of the existence or nonexistence of a parent and child relationship between the father and the child. If the recipient fails to cooperate, the agency may commence an action to determine the existence or nonexistence of a parent and child relationship between the father and the child pursuant to sections 3111.01 to 3111.18 of the Revised Code.

(E) As used in this section, "public assistance" means ~~medical assistance~~ all of the following:

(1) Medicaid under Chapter 5111. of the Revised Code, ~~assistance;~~

(2) Ohio works first under Chapter 5107. of the Revised Code, ~~disability;~~

(3) Disability financial assistance under Chapter 5115. of the Revised Code, ~~or disability;~~

(4) Disability medical assistance under Chapter 5115. of the Revised Code; 8897
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(5) Children's buy-in program under sections 5101.5211 to 5101.5216 of the Revised Code. 8899
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Sec. 3113.06. No father, or mother when she is charged with the maintenance, of a child under eighteen years of age, or a mentally or physically handicapped child under age twenty-one, who is legally a ward of a public children services agency or is the recipient of aid pursuant to sections 5101.5211 to 5101.5216 or Chapter 5107. or 5115. of the Revised Code, shall neglect or refuse to pay such agency the reasonable cost of maintaining such child when such father or mother is able to do so by reason of property, labor, or earnings. 8901
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An offense under this section shall be held committed in the county in which the agency is located. The agency shall file charges against any parent who violates this section, unless the agency files charges under section 2919.21 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless an action to enforce support is brought under Chapter 3115. of the Revised Code. 8910
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Sec. 3113.31. (A) As used in this section: 8917

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member: 8918
8919

(a) Attempting to cause or recklessly causing bodily injury; 8920

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code; 8921
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(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 8924
8925

2151.031 of the Revised Code;	8926
(d) Committing a sexually oriented offense.	8927
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.	8928 8929 8930 8931
(3) "Family or household member" means any of the following:	8932
(a) Any of the following who is residing with or has resided with the respondent:	8933 8934
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	8935 8936
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	8937 8938
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	8939 8940 8941 8942
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	8943 8944
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	8945 8946 8947 8948 8949 8950
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	8951 8952
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	8953 8954

(B) The court has jurisdiction over all proceedings under 8955
this section. The petitioner's right to relief under this section 8956
is not affected by the petitioner's leaving the residence or 8957
household to avoid further domestic violence. 8958

(C) A person may seek relief under this section on the 8959
person's own behalf, or any parent or adult household member may 8960
seek relief under this section on behalf of any other family or 8961
household member, by filing a petition with the court. The 8962
petition shall contain or state: 8963

(1) An allegation that the respondent engaged in domestic 8964
violence against a family or household member of the respondent, 8965
including a description of the nature and extent of the domestic 8966
violence; 8967

(2) The relationship of the respondent to the petitioner, and 8968
to the victim if other than the petitioner; 8969

(3) A request for relief under this section. 8970

(D)(1) If a person who files a petition pursuant to this 8971
section requests an ex parte order, the court shall hold an ex 8972
parte hearing on the same day that the petition is filed. The 8973
court, for good cause shown at the ex parte hearing, may enter any 8974
temporary orders, with or without bond, including, but not limited 8975
to, an order described in division (E)(1)(a), (b), or (c) of this 8976
section, that the court finds necessary to protect the family or 8977
household member from domestic violence. Immediate and present 8978
danger of domestic violence to the family or household member 8979
constitutes good cause for purposes of this section. Immediate and 8980
present danger includes, but is not limited to, situations in 8981
which the respondent has threatened the family or household member 8982
with bodily harm, in which the respondent has threatened the 8983
family or household member with a sexually oriented offense, or in 8984
which the respondent previously has been convicted of or pleaded 8985

guilty to an offense that constitutes domestic violence against 8986
the family or household member. 8987

(2)(a) If the court, after an ex parte hearing, issues an 8988
order described in division (E)(1)(b) or (c) of this section, the 8989
court shall schedule a full hearing for a date that is within 8990
seven court days after the ex parte hearing. If any other type of 8991
protection order that is authorized under division (E) of this 8992
section is issued by the court after an ex parte hearing, the 8993
court shall schedule a full hearing for a date that is within ten 8994
court days after the ex parte hearing. The court shall give the 8995
respondent notice of, and an opportunity to be heard at, the full 8996
hearing. The court shall hold the full hearing on the date 8997
scheduled under this division unless the court grants a 8998
continuance of the hearing in accordance with this division. Under 8999
any of the following circumstances or for any of the following 9000
reasons, the court may grant a continuance of the full hearing to 9001
a reasonable time determined by the court: 9002

(i) Prior to the date scheduled for the full hearing under 9003
this division, the respondent has not been served with the 9004
petition filed pursuant to this section and notice of the full 9005
hearing. 9006

(ii) The parties consent to the continuance. 9007

(iii) The continuance is needed to allow a party to obtain 9008
counsel. 9009

(iv) The continuance is needed for other good cause. 9010

(b) An ex parte order issued under this section does not 9011
expire because of a failure to serve notice of the full hearing 9012
upon the respondent before the date set for the full hearing under 9013
division (D)(2)(a) of this section or because the court grants a 9014
continuance under that division. 9015

(3) If a person who files a petition pursuant to this section 9016

does not request an ex parte order, or if a person requests an ex 9017
parte order but the court does not issue an ex parte order after 9018
an ex parte hearing, the court shall proceed as in a normal civil 9019
action and grant a full hearing on the matter. 9020

(E)(1) After an ex parte or full hearing, the court may grant 9021
any protection order, with or without bond, or approve any consent 9022
agreement to bring about a cessation of domestic violence against 9023
the family or household members. The order or agreement may: 9024

(a) Direct the respondent to refrain from abusing or from 9025
committing sexually oriented offenses against the family or 9026
household members; 9027

(b) Grant possession of the residence or household to the 9028
petitioner or other family or household member, to the exclusion 9029
of the respondent, by evicting the respondent, when the residence 9030
or household is owned or leased solely by the petitioner or other 9031
family or household member, or by ordering the respondent to 9032
vacate the premises, when the residence or household is jointly 9033
owned or leased by the respondent, and the petitioner or other 9034
family or household member; 9035

(c) When the respondent has a duty to support the petitioner 9036
or other family or household member living in the residence or 9037
household and the respondent is the sole owner or lessee of the 9038
residence or household, grant possession of the residence or 9039
household to the petitioner or other family or household member, 9040
to the exclusion of the respondent, by ordering the respondent to 9041
vacate the premises, or, in the case of a consent agreement, allow 9042
the respondent to provide suitable, alternative housing; 9043

(d) Temporarily allocate parental rights and responsibilities 9044
for the care of, or establish temporary parenting time rights with 9045
regard to, minor children, if no other court has determined, or is 9046
determining, the allocation of parental rights and 9047

responsibilities for the minor children or parenting time rights; 9048

(e) Require the respondent to maintain support, if the 9049
respondent customarily provides for or contributes to the support 9050
of the family or household member, or if the respondent has a duty 9051
to support the petitioner or family or household member; 9052

(f) Require the respondent, petitioner, victim of domestic 9053
violence, or any combination of those persons, to seek counseling; 9054

(g) Require the respondent to refrain from entering the 9055
residence, school, business, or place of employment of the 9056
petitioner or family or household member; 9057

(h) Grant other relief that the court considers equitable and 9058
fair, including, but not limited to, ordering the respondent to 9059
permit the use of a motor vehicle by the petitioner or other 9060
family or household member and the apportionment of household and 9061
family personal property. 9062

(2) If a protection order has been issued pursuant to this 9063
section in a prior action involving the respondent and the 9064
petitioner or one or more of the family or household members or 9065
victims, the court may include in a protection order that it 9066
issues a prohibition against the respondent returning to the 9067
residence or household. If it includes a prohibition against the 9068
respondent returning to the residence or household in the order, 9069
it also shall include in the order provisions of the type 9070
described in division (E)(7) of this section. This division does 9071
not preclude the court from including in a protection order or 9072
consent agreement, in circumstances other than those described in 9073
this division, a requirement that the respondent be evicted from 9074
or vacate the residence or household or refrain from entering the 9075
residence, school, business, or place of employment of the 9076
petitioner or a family or household member, and, if the court 9077
includes any requirement of that type in an order or agreement, 9078

the court also shall include in the order provisions of the type 9079
described in division (E)(7) of this section. 9080

(3)(a) Any protection order issued or consent agreement 9081
approved under this section shall be valid until a date certain, 9082
but not later than five years from the date of its issuance or 9083
approval unless modified or terminated as provided in division 9084
(E)(8) of this section. 9085

(b) Subject to the limitation on the duration of an order or 9086
agreement set forth in division (E)(3)(a) of this section, any 9087
order under division (E)(1)(d) of this section shall terminate on 9088
the date that a court in an action for divorce, dissolution of 9089
marriage, or legal separation brought by the petitioner or 9090
respondent issues an order allocating parental rights and 9091
responsibilities for the care of children or on the date that a 9092
juvenile court in an action brought by the petitioner or 9093
respondent issues an order awarding legal custody of minor 9094
children. Subject to the limitation on the duration of an order or 9095
agreement set forth in division (E)(3)(a) of this section, any 9096
order under division (E)(1)(e) of this section shall terminate on 9097
the date that a court in an action for divorce, dissolution of 9098
marriage, or legal separation brought by the petitioner or 9099
respondent issues a support order or on the date that a juvenile 9100
court in an action brought by the petitioner or respondent issues 9101
a support order. 9102

(c) Any protection order issued or consent agreement approved 9103
pursuant to this section may be renewed in the same manner as the 9104
original order or agreement was issued or approved. 9105

(4) A court may not issue a protection order that requires a 9106
petitioner to do or to refrain from doing an act that the court 9107
may require a respondent to do or to refrain from doing under 9108
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 9109
section unless all of the following apply: 9110

(a) The respondent files a separate petition for a protection order in accordance with this section. 9111
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(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 9113
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(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 9117
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(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense. 9122
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(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property. 9131
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(6)(a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting 9134
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parenting time rights to the respondent, the court may require the 9142
public children services agency of the county in which the court 9143
is located to provide supervision of the respondent's exercise of 9144
parenting time or visitation or companionship rights with respect 9145
to the child for a period not to exceed nine months, if the court 9146
makes the following findings of fact: 9147

(i) The child is in danger from the respondent; 9148

(ii) No other person or agency is available to provide the 9149
supervision. 9150

(b) A court that requires an agency to provide supervision 9151
pursuant to division (E)(6)(a) of this section shall order the 9152
respondent to reimburse the agency for the cost of providing the 9153
supervision, if it determines that the respondent has sufficient 9154
income or resources to pay that cost. 9155

(7)(a) If a protection order issued or consent agreement 9156
approved under this section includes a requirement that the 9157
respondent be evicted from or vacate the residence or household or 9158
refrain from entering the residence, school, business, or place of 9159
employment of the petitioner or a family or household member, the 9160
order or agreement shall state clearly that the order or agreement 9161
cannot be waived or nullified by an invitation to the respondent 9162
from the petitioner or other family or household member to enter 9163
the residence, school, business, or place of employment or by the 9164
respondent's entry into one of those places otherwise upon the 9165
consent of the petitioner or other family or household member. 9166

(b) Division (E)(7)(a) of this section does not limit any 9167
discretion of a court to determine that a respondent charged with 9168
a violation of section 2919.27 of the Revised Code, with a 9169
violation of a municipal ordinance substantially equivalent to 9170
that section, or with contempt of court, which charge is based on 9171
an alleged violation of a protection order issued or consent 9172

agreement approved under this section, did not commit the 9173
violation or was not in contempt of court. 9174

(8)(a) The court may modify or terminate as provided in 9175
division (E)(8) of this section a protection order or consent 9176
agreement that was issued after a full hearing under this section. 9177
The court that issued the protection order or approved the consent 9178
agreement shall hear a motion for modification or termination of 9179
the protection order or consent agreement pursuant to division 9180
(E)(8) of this section. 9181

(b) Either the petitioner or the respondent of the original 9182
protection order or consent agreement may bring a motion for 9183
modification or termination of a protection order or consent 9184
agreement that was issued or approved after a full hearing. The 9185
court shall require notice of the motion to be made as provided by 9186
the Rules of Civil Procedure. If the petitioner for the original 9187
protection order or consent agreement has requested that the 9188
petitioner's address be kept confidential, the court shall not 9189
disclose the address to the respondent of the original protection 9190
order or consent agreement or any other person, except as 9191
otherwise required by law. The moving party has the burden of 9192
proof to show, by a preponderance of the evidence, that 9193
modification or termination of the protection order or consent 9194
agreement is appropriate because either the protection order or 9195
consent agreement is no longer needed or because the terms of the 9196
original protection order or consent agreement are no longer 9197
appropriate. 9198

(c) In considering whether to modify or terminate a 9199
protection order or consent agreement issued or approved under 9200
this section, the court shall consider all relevant factors, 9201
including, but not limited to, the following: 9202

(i) Whether the petitioner consents to modification or 9203
termination of the protection order or consent agreement; 9204

(ii) Whether the petitioner fears the respondent;	9205
(iii) The current nature of the relationship between the petitioner and the respondent;	9206 9207
(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;	9208 9209 9210 9211
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	9212 9213
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	9214 9215
(vii) Whether the respondent has been convicted of or pleaded guilty to an offense of violence since the issuance of the protection order or approval of the consent agreement;	9216 9217 9218
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	9219 9220 9221 9222 9223
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	9224 9225 9226 9227
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	9228 9229
(xi) The age and health of the respondent;	9230
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	9231 9232 9233 9234

(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.

(e) If the respondent moves for modification or termination of a protection order or consent agreement pursuant to this section, the court may assess costs against the respondent for the filing of the motion.

(F)(1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered.

(2) Upon the issuance of a protection order or the approval of a consent agreement under this section, the court shall provide the parties to the order or agreement with the following notice orally or by form:

"NOTICE

As a result of this order or consent agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain 9266
an index for the protection orders and the approved consent 9267
agreements delivered to the agencies pursuant to division (F)(1) 9268
of this section. With respect to each order and consent agreement 9269
delivered, each agency shall note on the index the date and time 9270
that it received the order or consent agreement. 9271

~~(3)~~(4) Regardless of whether the petitioner has registered 9272
the order or agreement in the county in which the officer's agency 9273
has jurisdiction pursuant to division (N) of this section, any 9274
officer of a law enforcement agency shall enforce a protection 9275
order issued or consent agreement approved by any court in this 9276
state in accordance with the provisions of the order or agreement, 9277
including removing the respondent from the premises, if 9278
appropriate. 9279

(G) Any proceeding under this section shall be conducted in 9280
accordance with the Rules of Civil Procedure, except that an order 9281
under this section may be obtained with or without bond. An order 9282
issued under this section, other than an ex parte order, that 9283
grants a protection order or approves a consent agreement, that 9284
refuses to grant a protection order or approve a consent agreement 9285
that modifies or terminates a protection order or consent 9286
agreement, or that refuses to modify or terminate a protection 9287
order or consent agreement, is a final, appealable order. The 9288
remedies and procedures provided in this section are in addition 9289
to, and not in lieu of, any other available civil or criminal 9290
remedies. 9291

(H) The filing of proceedings under this section does not 9292
excuse a person from filing any report or giving any notice 9293
required by section 2151.421 of the Revised Code or by any other 9294
law. When a petition under this section alleges domestic violence 9295
against minor children, the court shall report the fact, or cause 9296
reports to be made, to a county, township, or municipal peace 9297

officer under section 2151.421 of the Revised Code. 9298

(I) Any law enforcement agency that investigates a domestic 9299
dispute shall provide information to the family or household 9300
members involved regarding the relief available under this section 9301
and section 2919.26 of the Revised Code. 9302

(J) Notwithstanding any provision of law to the contrary and 9303
regardless of whether a protection order is issued or a consent 9304
agreement is approved by a court of another county or a court of 9305
another state, no court or unit of state or local government shall 9306
charge any fee, cost, deposit, or money in connection with the 9307
filing of a petition pursuant to this section or in connection 9308
with the filing, issuance, registration, or service of a 9309
protection order or consent agreement, or for obtaining a 9310
certified copy of a protection order or consent agreement. 9311

(K)(1) The court shall comply with Chapters 3119., 3121., 9312
3123., and 3125. of the Revised Code when it makes or modifies an 9313
order for child support under this section. 9314

(2) If any person required to pay child support under an 9315
order made under this section on or after April 15, 1985, or 9316
modified under this section on or after December 31, 1986, is 9317
found in contempt of court for failure to make support payments 9318
under the order, the court that makes the finding, in addition to 9319
any other penalty or remedy imposed, shall assess all court costs 9320
arising out of the contempt proceeding against the person and 9321
require the person to pay any reasonable attorney's fees of any 9322
adverse party, as determined by the court, that arose in relation 9323
to the act of contempt. 9324

(L)(1) A person who violates a protection order issued or a 9325
consent agreement approved under this section is subject to the 9326
following sanctions: 9327

(a) Criminal prosecution for a violation of section 2919.27 9328

of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order,

protection order, or consent agreement in a county other than the 9360
county in which the court that issued the order or approved the 9361
agreement is located in the following manner: 9362

(a) The petitioner shall obtain a certified copy of the order 9363
or agreement from the clerk of the court that issued the order or 9364
approved the agreement and present that certified copy to the 9365
clerk of the court of common pleas or the clerk of a municipal 9366
court or county court in the county in which the order or 9367
agreement is to be registered. 9368

(b) Upon accepting the certified copy of the order or 9369
agreement for registration, the clerk of the court of common 9370
pleas, municipal court, or county court shall place an endorsement 9371
of registration on the order or agreement and give the petitioner 9372
a copy of the order or agreement that bears that proof of 9373
registration. 9374

(3) The clerk of each court of common pleas, the clerk of 9375
each municipal court, and the clerk of each county court shall 9376
maintain a registry of certified copies of temporary protection 9377
orders, protection orders, or consent agreements that have been 9378
issued or approved by courts in other counties and that have been 9379
registered with the clerk. 9380

Sec. 3119.023. When a court or child support enforcement 9381
agency calculates the amount of child support to be paid pursuant 9382
to a court child support order in a proceeding in which the 9383
parents have split parental rights and responsibilities with 9384
respect to the children who are the subject of the child support 9385
order, the court or child support enforcement agency shall use a 9386
worksheet that is identical in content and form to the following: 9387

CHILD SUPPORT COMPUTATION WORKSHEET 9388

SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES 9389

Name of parties 9390

Case No.				9391
Number of minor children				9392
Number of minor children with mother		father		9393
	Column I	Column II	Column III	9394
	Father	Mother	Combined	9395
INCOME:				9396
1.a. Annual gross income from				9397
employment or, when				
determined appropriate by				
the court or agency,				
average annual gross				
income from employment				
over a reasonable period				
of years. (Exclude				
overtime, bonuses,				
self-employment income,				
or commissions)				
.....	\$.....	\$.....		9398
b. Amount of overtime,				9399
bonuses, and commissions				
(year 1 representing the				
most recent year)				
Father		Mother		9400
Yr. 3 \$.....		Yr. 3 \$.....		9401
(Three years ago)		(Three years ago)		9402
Yr. 2 \$.....		Yr. 2 \$.....		9403
(Two years ago)		(Two years ago)		9404
Yr. 1 \$.....		Yr. 1 \$.....		9405
(Last calendar year)		(Last calendar year)		9406
Average \$.....		\$.....		9407
(Include in Col. I and/or				9408
Col. II the average of				

the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonably expected to be earned this year)

	.....	\$.....	\$.....	9409
2.	For self-employment income			9410
a.	Gross receipts from business			9411
	.....	\$.....	\$.....	9412
b.	Ordinary and necessary business expenses			9413

	.....	\$.....	\$.....	9414
c.	5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate	.....	.....	9415
	.....	\$.....	\$.....	9416
d.	Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a)	.....	.....	9417
	.....	\$.....	\$.....	9418
3.	Annual income from interest and dividends (whether or not taxable)	.....	.....	9419
	.....	\$.....	\$.....	9420
4.	Annual income from unemployment compensation	.....	.....	9421
	.....	\$.....	\$.....	9422
5.	Annual income from workers' compensation, disability insurance benefits or social security disability retirement benefits	.....	.....	9423
	.....	\$.....	\$.....	9424
6.	Other annual income (identify)	.....	.....	9425
	.....	\$.....	\$.....	9426
7.a.	Total annual gross income (add lines 1a, 1b, 2d,			9427

	and 3-6)			
	.....	\$.....	\$.....	9428
b.	Health insurance maximum			9429
	(multiply line 7a by 5%)			
	.....	\$.....	\$.....	9430
	ADJUSTMENTS TO INCOME:			9431
8.	Adjustment for minor			9432
	children born to or			
	adopted by either parent			
	and another parent who			
	are living with this			
	parent; adjustment does			
	not apply to stepchildren			
	(number of children times			
	federal income tax			
	exemption less child			
	support received, not to			
	exceed the federal tax			
	exemption)			
	.....	\$.....	\$.....	9433
9.	Annual court-ordered			9434
	support paid for other			
	children			
	.....	\$.....	\$.....	9435
10.	Annual court-ordered			9436
	spousal support paid to			
	any spouse or former			
	spouse			
	.....	\$.....	\$.....	9437
11.	Amount of local income			9438
	taxes actually paid or			
	estimated to be paid			
	.....	\$.....	\$.....	9439

12.	Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)	9440
	..... \$..... \$.....	9441
13.	Total gross income adjustments (add lines 8 through 12)	9442
	..... \$..... \$.....	9443
14.a.	Adjusted annual gross income (subtract line 13 from 7a)	9444
	..... \$..... \$.....	9445
b.	Cash medical support maximum (If the amount on line 7a, Col. I, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b., Col. I. If the amount on line 7a, Col. I, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. I, by 5% and enter this amount on line 14b, Col. I. If the amount on line 7a, Col. II, is under 150% of the federal poverty level for	9446

an individual, enter \$0
on line 14b, Col. II. If
the amount on line 7a,
Col. II, is 150% or
higher of the federal
poverty level for an
individual, multiply the
amount on line 14a, Col.
II, by 5% and enter this
amount on line 14b, Col.
II.)

	.....	\$.....	\$.....	9447
15.	Combined annual income that is basis for child support order (add line 14a, Col. I and Col. II)			9448
			\$.....	9449
16.	Percentage of parent's income to total income			9450
a.	Father (divide line 14a, Col. I, by line 15, Col. III)%			9451
b.	Mother (divide line 14a, Col. II, by line 15, Col. III)%			9452
17.	Basic combined child support obligation (refer to schedule, first column, locate the amount nearest to the amount on line 15, Col. III, then refer to column for number of children with	For children for whom the mother is the residential parent and legal	For children for whom the father is the residential parent and legal	9453

	<p>this parent. If the income of the parents is more than one sum but less than another, you may calculate the difference)</p>	<p>custodian custodian</p>	
	\$.....	\$.....
18.	Annual support obligation per parent		9454
a.	Of father for children for whom mother is the residential parent and legal custodian (multiply line 17, Col. I, by line 16a)		9455
	.....	\$.....	9456
b.	Of mother for children for whom the father is the residential parent and legal custodian (multiply line 17, Col. II, by line 16b)		9457
	.....	\$.....	9458
19.	Annual child care expenses for children who are the subject of this order that are work-, employment training-, or education-related, as approved by the court or agency (deduct tax credit from annual cost whether or not claimed)	Paid by father	Paid by mother
	\$.....	\$.....
			9459
			9460
	\$.....	\$.....
			9461

<p>20.a. Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order (contributing cost of private family health insurance, minus the contributing cost of private single health insurance, divided by the total number of dependents covered by the plan, including the children subject of the support order, times the number of children subject of the support order)</p> <p>.....</p>	<p>Paid by father</p> <p>\$.....</p>	<p>Paid by mother</p> <p>\$.....</p>	<p>9462</p> <p>9463</p>
<p>b. Cash medical support obligation (enter the amount on line 14b or the amount of annual health care expenditures estimated by the United States Department of Agriculture and described in section 3119.30 of the Revised Code, whichever amount is lower)</p> <p>.....</p>	<p>\$.....</p>	<p>\$.....</p>	<p>9464</p> <p>9465</p>

21.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:	9466
	Father	
	Mother	9467
a.	Additions: line 16a	9468
	times sum of amounts	9469
	shown on line 19, Col. II	9470
	and line 20a, Col. II	9471
	\$.....	9472
b.	Additions: line 16b	9468
	times sum of amounts	9469
	shown on line 19, Col. I	9470
	and line 20a, Col. I	9471
	\$.....	9472
c.	Subtractions: line 16b	9473
	times sum of amounts	9474
	shown on line 19, Col. I	9475
	and line 20a, Col. I	9476
	\$.....	9477
d.	Subtractions: line 16a	9473
	times sum of amounts	9474
	shown on line 19, Col. II	9475
	and line 20a, Col. II	9476
	\$.....	9477
22.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED:	9478
a.	Father: line 18a plus	9479
	line 21a minus line 21c	
	(if the amount on line	
	21c is greater than or	
	equal to the amount on	
	line 21a--enter the	
	number on line 18a in	
	Col. I)	
	
	\$.....	9480
b.	Any non-means-tested	9481
	benefits, including	
	social security and	
	veterans' benefits, paid	
	to and received by	
	children for whom the	
	mother is the residential	
	parent and legal	
	custodian or a person on	
	behalf of those children	

	due to death, disability, or retirement of the father	\$.....	9482
c.	Actual annual obligation of father (subtract line 22b from line 22a)	\$.....	9483
d.	Mother: line 18b plus line 21b minus line 21d (if the amount on line 21d is greater than or equal to the amount on line 21b--enter the number on line 18b in Col. II)	\$.....	9484
e.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by children for whom the father is the residential parent and legal custodian or a person on behalf of those children due to death, disability, or retirement of the mother	\$.....	9485
f.	Actual annual obligation of mother (subtract line		9486

	22e from line 22d)		
	.....	\$.....	9490
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater actual annual obligation using amounts in lines 22c and 22f to determine net child support payable)		9491
	.....	\$..... \$.....	9492
23.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:		9493
	Father	Mother	9494
a.	Additions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II	b. Additions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I	9495
	\$.....	\$.....	9496
c.	Subtractions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I	d. Subtractions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II	9497
	\$.....	\$.....	9498
24.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:		9499
a.	Father: line 18a plus line 23a minus line 23c (if the amount on line 23c is greater than or equal to the amount on line 23a, enter the	\$.....	9500

	number on line 18a in Col. I)		
b.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the mother is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the father	\$.....	9501
c.	Actual annual obligation of the father (subtract line 24b from line 24a)	\$.....	9502
d.	Mother: line 18b plus line 23b minus 23d (if the amount on line 23d is greater than or equal to the amount on line 23b, enter the number on line 18b in Col. II)		9503
	.....	\$.....	9504
e.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the father is the residential parent and legal custodian, or a		9505

	person on behalf of the child, due to death, disability, or retirement of the mother	\$.....	9506
f.	Actual annual obligation of the mother (subtract line 24e from line 24d)	\$.....	9507
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable)	\$.....	9509
h.	Add line 20b, Col. I, to line 24g, Col. I, when father is the obligor or line 20b, Col. II, to line 24g, Col. II, when mother is obligor	\$.....	9511
25.	Deviation from split residential parent guideline amount shown on line 22c, 22f, 24c, or 24f if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (Specific facts and monetary value must be stated.)		9512
	.....		9513
	.....		9514
	.....		9515
	.....		9516

			9517
	WHEN	WHEN	9518
	HEALTH	HEALTH	9519
	INSURANCE	INSURANCE	9520
	IS	IS NOT	9521
	PROVIDED	PROVIDED	9522
26.	FINAL CHILD SUPPORT		9523
	FIGURE: (This amount reflects final annual child support obligation; in Col. I enter line 22g plus or minus any amounts indicated in line 25, or in Col. II enter line 24h <u>24g</u> plus or minus any amounts indicated on line 25.)		
	..... \$.....	\$..... Father/Mother,	9524
		OBLIGOR	
27.	FOR DECREE: Child support per month (divide obligor's annual share, line 26, by 12) plus any processing charge		9525
	..... \$.....	\$.....	9526
28.	FINAL CASH MEDICAL SUPPORT FIGURE: (this amount reflects the final, annual cash medical support to be paid by the obligor when neither parent provides health insurance coverage		9527

for the child; enter		
obligor's cash medical		
support from line 20b)		
.....	\$.....	9528
29. FOR DECREE: Cash medical		9529
support per month (divide		
line 28 by 12)		
.....	\$.....	9530
Prepared by:		9531
Counsel:	Pro se:	9532
(For mother/father)		9533
CSEA:	Other:	9534
Worksheet Has Been Reviewed and Agreed To:		9535
.....	.....	9536
Mother	Date	9537
.....	.....	9538
Father	Date	9539
Sec. 3119.54. If either A party to a child support order		9540
issued in accordance with section 3119.30 of the Revised Code is		9541
eligible for medical assistance under Chapter 5111. or 5115. of		9542
the Revised Code and the other party has obtained health insurance		9543
coverage, the party eligible for medical assistance shall notify		9544
any physician, hospital, or other provider of medical services for		9545
which medical assistance is available of the name and address of		9546
the other party's insurer and <u>that provides medical services to</u>		9547
the child who is the subject of the child support order of the		9548
number of the other party's <u>any</u> health insurance or health care		9549
policy, contract, or plan <u>that covers the child if the child is</u>		9550
<u>eligible for medical assistance under sections 5101.5211 to</u>		9551
<u>5101.5216 or Chapter 5111. or 5115. of the Revised Code. The party</u>		9552
<u>shall include in the notice the name and address of the insurer.</u>		9553
Any physician, hospital, or other provider of medical services for		9554

which medical assistance is available under sections 5101.5211 to 9555
5101.5216 or Chapter 5111. or 5115. of the Revised Code who is 9556
notified under this ~~division~~ section of the existence of a health 9557
insurance or health care policy, contract, or plan with coverage 9558
for children who are eligible for medical assistance shall first 9559
bill the insurer for any services provided for those children. If 9560
the insurer fails to pay all or any part of a claim filed under 9561
this section and the services for which the claim is filed are 9562
covered by sections 5101.5211 to 5101.5216 or Chapter 5111. or 9563
5115. of the Revised Code, the physician, hospital, or other 9564
medical services provider shall bill the remaining unpaid costs of 9565
the services in accordance with sections 5101.5211 to 5101.5216 or 9566
Chapter 5111. or 5115. of the Revised Code. 9567

Sec. 3301.0714. (A) The state board of education shall adopt 9568
rules for a statewide education management information system. The 9569
rules shall require the state board to establish guidelines for 9570
the establishment and maintenance of the system in accordance with 9571
this section and the rules adopted under this section. The 9572
guidelines shall include: 9573

(1) Standards identifying and defining the types of data in 9574
the system in accordance with divisions (B) and (C) of this 9575
section; 9576

(2) Procedures for annually collecting and reporting the data 9577
to the state board in accordance with division (D) of this 9578
section; 9579

(3) Procedures for annually compiling the data in accordance 9580
with division (G) of this section; 9581

(4) Procedures for annually reporting the data to the public 9582
in accordance with division (H) of this section. 9583

(B) The guidelines adopted under this section shall require 9584

the data maintained in the education management information system 9585
to include at least the following: 9586

(1) Student participation and performance data, for each 9587
grade in each school district as a whole and for each grade in 9588
each school building in each school district, that includes: 9589

(a) The numbers of students receiving each category of 9590
instructional service offered by the school district, such as 9591
regular education instruction, vocational education instruction, 9592
specialized instruction programs or enrichment instruction that is 9593
part of the educational curriculum, instruction for gifted 9594
students, instruction for students with disabilities, and remedial 9595
instruction. The guidelines shall require instructional services 9596
under this division to be divided into discrete categories if an 9597
instructional service is limited to a specific subject, a specific 9598
type of student, or both, such as regular instructional services 9599
in mathematics, remedial reading instructional services, 9600
instructional services specifically for students gifted in 9601
mathematics or some other subject area, or instructional services 9602
for students with a specific type of disability. The categories of 9603
instructional services required by the guidelines under this 9604
division shall be the same as the categories of instructional 9605
services used in determining cost units pursuant to division 9606
(C)(3) of this section. 9607

(b) The numbers of students receiving support or 9608
extracurricular services for each of the support services or 9609
extracurricular programs offered by the school district, such as 9610
counseling services, health services, and extracurricular sports 9611
and fine arts programs. The categories of services required by the 9612
guidelines under this division shall be the same as the categories 9613
of services used in determining cost units pursuant to division 9614
(C)(4)(a) of this section. 9615

(c) Average student grades in each subject in grades nine 9616

through twelve;	9617
(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	9618 9619 9620
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	9621 9622 9623
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	9624 9625 9626
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	9627 9628 9629 9630
(h) Expulsion rates;	9631
(i) Suspension rates;	9632
(j) The percentage of students receiving corporal punishment;	9633
(k) Dropout rates;	9634
(l) Rates of retention in grade;	9635
(m) For pupils in grades nine through twelve, the average number of Carnegie units, as calculated in accordance with state board of education rules;	9636 9637 9638
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	9639 9640 9641 9642 9643
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	9644 9645

Revised Code to permit a comparison of the academic readiness of 9646
kindergarten students. However, no district shall be required to 9647
report to the department the results of any diagnostic assessment 9648
administered to a kindergarten student if the parent of that 9649
student requests the district not to report those results. 9650

(2) Personnel and classroom enrollment data for each school 9651
district, including: 9652

(a) The total numbers of licensed employees and nonlicensed 9653
employees and the numbers of full-time equivalent licensed 9654
employees and nonlicensed employees providing each category of 9655
instructional service, instructional support service, and 9656
administrative support service used pursuant to division (C)(3) of 9657
this section. The guidelines adopted under this section shall 9658
require these categories of data to be maintained for the school 9659
district as a whole and, wherever applicable, for each grade in 9660
the school district as a whole, for each school building as a 9661
whole, and for each grade in each school building. 9662

(b) The total number of employees and the number of full-time 9663
equivalent employees providing each category of service used 9664
pursuant to divisions (C)(4)(a) and (b) of this section, and the 9665
total numbers of licensed employees and nonlicensed employees and 9666
the numbers of full-time equivalent licensed employees and 9667
nonlicensed employees providing each category used pursuant to 9668
division (C)(4)(c) of this section. The guidelines adopted under 9669
this section shall require these categories of data to be 9670
maintained for the school district as a whole and, wherever 9671
applicable, for each grade in the school district as a whole, for 9672
each school building as a whole, and for each grade in each school 9673
building. 9674

(c) The total number of regular classroom teachers teaching 9675
classes of regular education and the average number of pupils 9676
enrolled in each such class, in each of grades kindergarten 9677

through five in the district as a whole and in each school 9678
building in the school district. 9679

(d) The number of master teachers employed by each school 9680
district and each school building, once a definition of master 9681
teacher has been developed by the educator standards board 9682
pursuant to section 3319.61 of the Revised Code. 9683

(3)(a) Student demographic data for each school district, 9684
including information regarding the gender ratio of the school 9685
district's pupils, the racial make-up of the school district's 9686
pupils, the number of limited English proficient students in the 9687
district, and an appropriate measure of the number of the school 9688
district's pupils who reside in economically disadvantaged 9689
households. The demographic data shall be collected in a manner to 9690
allow correlation with data collected under division (B)(1) of 9691
this section. Categories for data collected pursuant to division 9692
(B)(3) of this section shall conform, where appropriate, to 9693
standard practices of agencies of the federal government. 9694

(b) With respect to each student entering kindergarten, 9695
whether the student previously participated in a public preschool 9696
program, a private preschool program, or a head start program, and 9697
the number of years the student participated in each of these 9698
programs. 9699

(4) Any data required to be collected pursuant to federal 9700
law. 9701

(C) The education management information system shall include 9702
cost accounting data for each district as a whole and for each 9703
school building in each school district. The guidelines adopted 9704
under this section shall require the cost data for each school 9705
district to be maintained in a system of mutually exclusive cost 9706
units and shall require all of the costs of each school district 9707
to be divided among the cost units. The guidelines shall require 9708

the system of mutually exclusive cost units to include at least 9709
the following: 9710

(1) Administrative costs for the school district as a whole. 9711
The guidelines shall require the cost units under this division 9712
(C)(1) to be designed so that each of them may be compiled and 9713
reported in terms of average expenditure per pupil in formula ADM 9714
in the school district, as determined pursuant to section 3317.03 9715
of the Revised Code. 9716

(2) Administrative costs for each school building in the 9717
school district. The guidelines shall require the cost units under 9718
this division (C)(2) to be designed so that each of them may be 9719
compiled and reported in terms of average expenditure per 9720
full-time equivalent pupil receiving instructional or support 9721
services in each building. 9722

(3) Instructional services costs for each category of 9723
instructional service provided directly to students and required 9724
by guidelines adopted pursuant to division (B)(1)(a) of this 9725
section. The guidelines shall require the cost units under 9726
division (C)(3) of this section to be designed so that each of 9727
them may be compiled and reported in terms of average expenditure 9728
per pupil receiving the service in the school district as a whole 9729
and average expenditure per pupil receiving the service in each 9730
building in the school district and in terms of a total cost for 9731
each category of service and, as a breakdown of the total cost, a 9732
cost for each of the following components: 9733

(a) The cost of each instructional services category required 9734
by guidelines adopted under division (B)(1)(a) of this section 9735
that is provided directly to students by a classroom teacher; 9736

(b) The cost of the instructional support services, such as 9737
services provided by a speech-language pathologist, classroom 9738
aide, multimedia aide, or librarian, provided directly to students 9739

in conjunction with each instructional services category; 9740

(c) The cost of the administrative support services related 9741
to each instructional services category, such as the cost of 9742
personnel that develop the curriculum for the instructional 9743
services category and the cost of personnel supervising or 9744
coordinating the delivery of the instructional services category. 9745

(4) Support or extracurricular services costs for each 9746
category of service directly provided to students and required by 9747
guidelines adopted pursuant to division (B)(1)(b) of this section. 9748
The guidelines shall require the cost units under division (C)(4) 9749
of this section to be designed so that each of them may be 9750
compiled and reported in terms of average expenditure per pupil 9751
receiving the service in the school district as a whole and 9752
average expenditure per pupil receiving the service in each 9753
building in the school district and in terms of a total cost for 9754
each category of service and, as a breakdown of the total cost, a 9755
cost for each of the following components: 9756

(a) The cost of each support or extracurricular services 9757
category required by guidelines adopted under division (B)(1)(b) 9758
of this section that is provided directly to students by a 9759
licensed employee, such as services provided by a guidance 9760
counselor or any services provided by a licensed employee under a 9761
supplemental contract; 9762

(b) The cost of each such services category provided directly 9763
to students by a nonlicensed employee, such as janitorial 9764
services, cafeteria services, or services of a sports trainer; 9765

(c) The cost of the administrative services related to each 9766
services category in division (C)(4)(a) or (b) of this section, 9767
such as the cost of any licensed or nonlicensed employees that 9768
develop, supervise, coordinate, or otherwise are involved in 9769
administering or aiding the delivery of each services category. 9770

(D)(1) The guidelines adopted under this section shall 9771
require school districts to collect information about individual 9772
students, staff members, or both in connection with any data 9773
required by division (B) or (C) of this section or other reporting 9774
requirements established in the Revised Code. The guidelines may 9775
also require school districts to report information about 9776
individual staff members in connection with any data required by 9777
division (B) or (C) of this section or other reporting 9778
requirements established in the Revised Code. The guidelines shall 9779
not authorize school districts to request social security numbers 9780
of individual students. The guidelines shall prohibit the 9781
reporting under this section of a student's name, address, and 9782
social security number to the state board of education or the 9783
department of education. The guidelines shall also prohibit the 9784
reporting under this section of any personally identifiable 9785
information about any student, except for the purpose of assigning 9786
the data verification code required by division (D)(2) of this 9787
section, to any other person unless such person is employed by the 9788
school district or the information technology center operated 9789
under section 3301.075 of the Revised Code and is authorized by 9790
the district or technology center to have access to such 9791
information or is employed by an entity with which the department 9792
contracts for the scoring of tests administered under section 9793
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 9794
require school districts to provide the social security numbers of 9795
individual staff members. 9796

(2) The guidelines shall provide for each school district or 9797
community school to assign a data verification code that is unique 9798
on a statewide basis over time to each student whose initial Ohio 9799
enrollment is in that district or school and to report all 9800
required individual student data for that student utilizing such 9801
code. The guidelines shall also provide for assigning data 9802
verification codes to all students enrolled in districts or 9803

community schools on the effective date of the guidelines 9804
established under this section. 9805

Individual student data shall be reported to the department 9806
through the information technology centers utilizing the code but, 9807
except as provided in ~~section~~ sections 3310.11, 3310.42, 3313.978, 9808
and 3317.20 of the Revised Code, at no time shall the state board 9809
or the department have access to information that would enable any 9810
data verification code to be matched to personally identifiable 9811
student data. 9812

Each school district shall ensure that the data verification 9813
code is included in the student's records reported to any 9814
subsequent school district or community school in which the 9815
student enrolls. Any such subsequent district or school shall 9816
utilize the same identifier in its reporting of data under this 9817
section. 9818

The director of health shall request and receive, pursuant to 9819
sections 3301.0723 and 3701.62 of the Revised Code, a data 9820
verification code for a child who is receiving services under 9821
division (A)(2) of section 3701.61 of the Revised Code. 9822

(E) The guidelines adopted under this section may require 9823
school districts to collect and report data, information, or 9824
reports other than that described in divisions (A), (B), and (C) 9825
of this section for the purpose of complying with other reporting 9826
requirements established in the Revised Code. The other data, 9827
information, or reports may be maintained in the education 9828
management information system but are not required to be compiled 9829
as part of the profile formats required under division (G) of this 9830
section or the annual statewide report required under division (H) 9831
of this section. 9832

(F) Beginning with the school year that begins July 1, 1991, 9833
the board of education of each school district shall annually 9834

collect and report to the state board, in accordance with the 9835
guidelines established by the board, the data required pursuant to 9836
this section. A school district may collect and report these data 9837
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 9838

(G) The state board shall, in accordance with the procedures 9839
it adopts, annually compile the data reported by each school 9840
district pursuant to division (D) of this section. The state board 9841
shall design formats for profiling each school district as a whole 9842
and each school building within each district and shall compile 9843
the data in accordance with these formats. These profile formats 9844
shall: 9845

(1) Include all of the data gathered under this section in a 9846
manner that facilitates comparison among school districts and 9847
among school buildings within each school district; 9848

(2) Present the data on academic achievement levels as 9849
assessed by the testing of student achievement maintained pursuant 9850
to division (B)(1)(d) of this section. 9851

(H)(1) The state board shall, in accordance with the 9852
procedures it adopts, annually prepare a statewide report for all 9853
school districts and the general public that includes the profile 9854
of each of the school districts developed pursuant to division (G) 9855
of this section. Copies of the report shall be sent to each school 9856
district. 9857

(2) The state board shall, in accordance with the procedures 9858
it adopts, annually prepare an individual report for each school 9859
district and the general public that includes the profiles of each 9860
of the school buildings in that school district developed pursuant 9861
to division (G) of this section. Copies of the report shall be 9862
sent to the superintendent of the district and to each member of 9863
the district board of education. 9864

(3) Copies of the reports received from the state board under 9865

divisions (H)(1) and (2) of this section shall be made available 9866
to the general public at each school district's offices. Each 9867
district board of education shall make copies of each report 9868
available to any person upon request and payment of a reasonable 9869
fee for the cost of reproducing the report. The board shall 9870
annually publish in a newspaper of general circulation in the 9871
school district, at least twice during the two weeks prior to the 9872
week in which the reports will first be available, a notice 9873
containing the address where the reports are available and the 9874
date on which the reports will be available. 9875

(I) Any data that is collected or maintained pursuant to this 9876
section and that identifies an individual pupil is not a public 9877
record for the purposes of section 149.43 of the Revised Code. 9878

(J) As used in this section: 9879

(1) "School district" means any city, local, exempted 9880
village, or joint vocational school district and, in accordance 9881
with section 3314.17 of the Revised Code, any community school. As 9882
used in division (L) of this section, "school district" also 9883
includes any educational service center or other educational 9884
entity required to submit data using the system established under 9885
this section. 9886

(2) "Cost" means any expenditure for operating expenses made 9887
by a school district excluding any expenditures for debt 9888
retirement except for payments made to any commercial lending 9889
institution for any loan approved pursuant to section 3313.483 of 9890
the Revised Code. 9891

(K) Any person who removes data from the information system 9892
established under this section for the purpose of releasing it to 9893
any person not entitled under law to have access to such 9894
information is subject to section 2913.42 of the Revised Code 9895
prohibiting tampering with data. 9896

(L)(1) In accordance with division (L)(2) of this section and 9897
the rules adopted under division (L)(10) of this section, the 9898
department of education may sanction any school district that 9899
reports incomplete or inaccurate data, reports data that does not 9900
conform to data requirements and descriptions published by the 9901
department, fails to report data in a timely manner, or otherwise 9902
does not make a good faith effort to report data as required by 9903
this section. 9904

(2) If the department decides to sanction a school district 9905
under this division, the department shall take the following 9906
sequential actions: 9907

(a) Notify the district in writing that the department has 9908
determined that data has not been reported as required under this 9909
section and require the district to review its data submission and 9910
submit corrected data by a deadline established by the department. 9911
The department also may require the district to develop a 9912
corrective action plan, which shall include provisions for the 9913
district to provide mandatory staff training on data reporting 9914
procedures. 9915

(b) Withhold up to ten per cent of the total amount of state 9916
funds due to the district for the current fiscal year and, if not 9917
previously required under division (L)(2)(a) of this section, 9918
require the district to develop a corrective action plan in 9919
accordance with that division; 9920

(c) Withhold an additional amount of up to twenty per cent of 9921
the total amount of state funds due to the district for the 9922
current fiscal year; 9923

(d) Direct department staff or an outside entity to 9924
investigate the district's data reporting practices and make 9925
recommendations for subsequent actions. The recommendations may 9926
include one or more of the following actions: 9927

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	9928 9929
(ii) Conduct a site visit and evaluation of the district;	9930
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	9931 9932 9933
(iv) Continue monitoring the district's data reporting;	9934
(v) Assign department staff to supervise the district's data management system;	9935 9936
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	9937 9938 9939
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	9940 9941 9942 9943
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	9944 9945 9946 9947 9948
(ix) Any other action designed to correct the district's data reporting problems.	9949 9950
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	9951 9952 9953 9954 9955 9956
(4) If any action taken under division (L)(2) of this section	9957

resolves a school district's data reporting problems to the 9958
department's satisfaction, the department shall not take any 9959
further actions described by that division. If the department 9960
withheld funds from the district under that division, the 9961
department may release those funds to the district, except that if 9962
the department withheld funding under division (L)(2)(c) of this 9963
section, the department shall not release the funds withheld under 9964
division (L)(2)(b) of this section and, if the department withheld 9965
funding under division (L)(2)(d) of this section, the department 9966
shall not release the funds withheld under division (L)(2)(b) or 9967
(c) of this section. 9968

(5) Notwithstanding anything in this section to the contrary, 9969
the department may use its own staff or an outside entity to 9970
conduct an audit of a school district's data reporting practices 9971
any time the department has reason to believe the district has not 9972
made a good faith effort to report data as required by this 9973
section. If any audit conducted by an outside entity under 9974
division (L)(2)(d)(i) or (5) of this section confirms that a 9975
district has not made a good faith effort to report data as 9976
required by this section, the district shall reimburse the 9977
department for the full cost of the audit. The department may 9978
withhold state funds due to the district for this purpose. 9979

(6) Prior to issuing a revised report card for a school 9980
district under division (L)(2)(d)(viii) of this section, the 9981
department may hold a hearing to provide the district with an 9982
opportunity to demonstrate that it made a good faith effort to 9983
report data as required by this section. The hearing shall be 9984
conducted by a referee appointed by the department. Based on the 9985
information provided in the hearing, the referee shall recommend 9986
whether the department should issue a revised report card for the 9987
district. If the referee affirms the department's contention that 9988
the district did not make a good faith effort to report data as 9989

required by this section, the district shall bear the full cost of 9990
conducting the hearing and of issuing any revised report card. 9991

(7) If the department determines that any inaccurate data 9992
reported under this section caused a school district to receive 9993
excess state funds in any fiscal year, the district shall 9994
reimburse the department an amount equal to the excess funds, in 9995
accordance with a payment schedule determined by the department. 9996
The department may withhold state funds due to the district for 9997
this purpose. 9998

(8) Any school district that has funds withheld under 9999
division (L)(2) of this section may appeal the withholding in 10000
accordance with Chapter 119. of the Revised Code. 10001

(9) In all cases of a disagreement between the department and 10002
a school district regarding the appropriateness of an action taken 10003
under division (L)(2) of this section, the burden of proof shall 10004
be on the district to demonstrate that it made a good faith effort 10005
to report data as required by this section. 10006

(10) The state board of education shall adopt rules under 10007
Chapter 119. of the Revised Code to implement division (L) of this 10008
section. 10009

(M) No information technology center or school district shall 10010
acquire, change, or update its student administration software 10011
package to manage and report data required to be reported to the 10012
department unless it converts to a student software package that 10013
is certified by the department. 10014

(N) The state board of education, in accordance with sections 10015
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 10016
license as defined under division (A) of section 3319.31 of the 10017
Revised Code that has been issued to any school district employee 10018
found to have willfully reported erroneous, inaccurate, or 10019
incomplete data to the education management information system. 10020

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(o) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3310.42. (A) Only for the purpose of administering the autism scholarship program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is seeking a scholarship under the program:

(1) The school district in which the child is entitled to attend school;

(2) If applicable, the community school in which the child is enrolled;

(3) The independent contractor engaged to create and maintain data verification codes.

(B) Upon a request by the department under division (A) of this section for the data verification code of a child seeking a scholarship or a request by the child's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If

the child has not been assigned a code, because the child will be 10051
entering preschool or kindergarten during the school year for 10052
which the scholarship is sought, the district shall assign a code 10053
to that child and submit the code to the department or parent by a 10054
date specified by the department. If the district does not assign 10055
a code to the child by the specified date, the department shall 10056
assign a code to the child. 10057

The department annually shall submit to each school district 10058
the name and data verification code of each child residing in the 10059
district who is entering preschool or kindergarten, who has been 10060
awarded a scholarship under the program, and for whom the 10061
department has assigned a code under this division. 10062

(C) The department shall not release any data verification 10063
code that it receives under this section to any person except as 10064
provided by law. 10065

(D) Any document relative to the autism scholarship program 10066
that the department holds in its files that contains both a 10067
child's name or other personally identifiable information and the 10068
child's data verification code shall not be a public record under 10069
section 149.43 of the Revised Code. 10070

Sec. 3311.21. (A) In addition to the resolutions authorized 10071
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 10072
the Revised Code, the board of education of a joint vocational or 10073
cooperative education school district by a vote of two-thirds of 10074
its full membership may at any time adopt a resolution declaring 10075
the necessity to levy a tax in excess of the ten-mill limitation 10076
for a period not to exceed ten years to provide funds for any one 10077
or more of the following purposes, which may be stated in the 10078
following manner in such resolution, the ballot, and the notice of 10079
election: purchasing a site or enlargement thereof and for the 10080
erection and equipment of buildings; for the purpose of enlarging, 10081

improving, or rebuilding thereof; for the purpose of providing for 10082
the current expenses of the joint vocational or cooperative school 10083
district; or for a continuing period for the purpose of providing 10084
for the current expenses of the joint vocational or cooperative 10085
education school district. The resolution shall specify the amount 10086
of the proposed rate and, if a renewal, whether the levy is to 10087
renew all, or a portion of, the existing levy, and shall specify 10088
the first year in which the levy will be imposed. If the levy 10089
provides for but is not limited to current expenses, the 10090
resolution shall apportion the annual rate of the levy between 10091
current expenses and the other purpose or purposes. Such 10092
apportionment may but need not be the same for each year of the 10093
levy, but the respective portions of the rate actually levied each 10094
year for current expenses and the other purpose or purposes shall 10095
be limited by such apportionment. The portion of any such rate 10096
actually levied for current expenses of a joint vocational or 10097
cooperative education school district shall be used in applying 10098
division (A) of section 3317.01 of the Revised Code. The portion 10099
of any such rate not apportioned to the current expenses of a 10100
joint vocational or cooperative education school district shall be 10101
used in applying division (B) of this section. On the adoption of 10102
such resolution, the joint vocational or cooperative education 10103
school district board of education shall certify the resolution to 10104
the board of elections of the county containing the most populous 10105
portion of the district, which board shall receive resolutions for 10106
filing and send them to the boards of elections of each county in 10107
which territory of the district is located, furnish all ballots 10108
for the election as provided in section 3505.071 of the Revised 10109
Code, and prepare the election notice; and the board of elections 10110
of each county in which the territory of such district is located 10111
shall make the other necessary arrangements for the submission of 10112
the question to the electors of the joint vocational or 10113
cooperative education school district at the next primary or 10114

general election occurring not less than seventy-five days after 10115
the resolution was received from the joint vocational or 10116
cooperative education school district board of education, or at a 10117
special election to be held at a time designated by the district 10118
board of education consistent with the requirements of section 10119
3501.01 of the Revised Code, which date shall not be earlier than 10120
seventy-five days after the adoption and certification of the 10121
resolution. 10122

The board of elections of the county or counties in which 10123
territory of the joint vocational or cooperative education school 10124
district is located shall cause to be published in one or more 10125
newspapers of general circulation in that district an 10126
advertisement of the proposed tax levy question together with a 10127
statement of the amount of the proposed levy once a week for two 10128
consecutive weeks, prior to the election at which the question is 10129
to appear on the ballot, and, if the board of elections operates 10130
and maintains a web site, the board also shall post a similar 10131
advertisement on its web site for thirty days prior to that 10132
election. 10133

If a majority of the electors voting on the question of 10134
levying such tax vote in favor of the levy, the joint vocational 10135
or cooperative education school district board of education shall 10136
annually make the levy within the district at the rate specified 10137
in the resolution and ballot or at any lesser rate, and the county 10138
auditor of each affected county shall annually place the levy on 10139
the tax list and duplicate of each school district in the county 10140
having territory in the joint vocational or cooperative education 10141
school district. The taxes realized from the levy shall be 10142
collected at the same time and in the same manner as other taxes 10143
on the duplicate, and the taxes, when collected, shall be paid to 10144
the treasurer of the joint vocational or cooperative education 10145
school district and deposited to a special fund, which shall be 10146

established by the joint vocational or cooperative education 10147
school district board of education for all revenue derived from 10148
any tax levied pursuant to this section and for the proceeds of 10149
anticipation notes which shall be deposited in such fund. After 10150
the approval of the levy, the joint vocational or cooperative 10151
education school district board of education may anticipate a 10152
fraction of the proceeds of the levy and from time to time, during 10153
the life of the levy, but in any year prior to the time when the 10154
tax collection from the levy so anticipated can be made for that 10155
year, issue anticipation notes in an amount not exceeding fifty 10156
per cent of the estimated proceeds of the levy to be collected in 10157
each year up to a period of five years after the date of the 10158
issuance of the notes, less an amount equal to the proceeds of the 10159
levy obligated for each year by the issuance of anticipation 10160
notes, provided that the total amount maturing in any one year 10161
shall not exceed fifty per cent of the anticipated proceeds of the 10162
levy for that year. Each issue of notes shall be sold as provided 10163
in Chapter 133. of the Revised Code, and shall, except for such 10164
limitation that the total amount of such notes maturing in any one 10165
year shall not exceed fifty per cent of the anticipated proceeds 10166
of the levy for that year, mature serially in substantially equal 10167
installments, during each year over a period not to exceed five 10168
years after their issuance. 10169

(B) Prior to the application of section 319.301 of the 10170
Revised Code, the rate of a levy that is limited to, or to the 10171
extent that it is apportioned to, purposes other than current 10172
expenses shall be reduced in the same proportion in which the 10173
district's total valuation increases during the life of the levy 10174
because of additions to such valuation that have resulted from 10175
improvements added to the tax list and duplicate. 10176

(C) The form of ballot cast at an election under division (A) 10177
of this section shall be as prescribed by section 5705.25 of the 10178

Revised Code. 10179

Sec. 3311.24. (A)(1) Except as provided in division (B) of 10180
this section, the board of education of a city, exempted village, 10181
or local school district shall file with the state board of 10182
education a proposal to transfer territory from such district to 10183
an adjoining city, exempted village, or local school district in 10184
any of the following circumstances: 10185

(a) The district board deems the transfer advisable and, if 10186
the portion of the district proposed to be transferred is five 10187
acres or more, the board has obtained written consent to the 10188
transfer from seventy-five per cent of the owners of parcels of 10189
real property on the tax duplicate within that portion of the 10190
district; 10191

(b) A petition, signed by seventy-five per cent of the 10192
qualified electors residing within that portion of a city, 10193
exempted village, or local school district proposed to be 10194
transferred voting at the last general election, requests such a 10195
transfer; 10196

(c) If no qualified electors reside in that portion of the 10197
district proposed to be transferred, a petition, signed by 10198
seventy-five per cent of the owners of parcels of real property on 10199
the tax duplicate within that portion of the district, requests 10200
such a transfer. 10201

(2) The board of education of the district in which such 10202
proposal originates shall file such proposal, together with a map 10203
showing the boundaries of the territory proposed to be 10204
transferred, with the state board of education prior to the first 10205
day of April in any even-numbered year. The state board of 10206
education may, if it is advisable, provide for a hearing in any 10207
suitable place in any of the school districts affected by such 10208
proposed transfer of territory. The state board of education or 10209

its representatives shall preside at any such hearing. 10210

(3) A board of education of a city, exempted village, or 10211
local school district that receives a petition of transfer signed 10212
by electors of the district under division (A)(1)(b) of this 10213
section shall cause the board of elections to check the 10214
sufficiency of signatures on the petition. A board of education of 10215
a city, exempted village, or local school district that receives 10216
written consent or a petition of transfer signed by owners of 10217
parcels of real property under division (A)(1)(a) or (c) of this 10218
section shall cause the county auditor to check the sufficiency of 10219
signatures on the consent or petition. 10220

(4) Not later than the first day of September the state board 10221
of education shall either approve or disapprove a proposed 10222
transfer of territory filed with it as provided by this section 10223
and shall notify, in writing, the boards of education of the 10224
districts affected by such proposed transfer of territory of its 10225
decision. 10226

If the decision of the state board of education is an 10227
approval of the proposed transfer of territory then the board of 10228
education of the district in which the territory is located shall, 10229
within thirty days after receiving the state board of education's 10230
decision, adopt a resolution transferring the territory and shall 10231
forthwith submit a copy of such resolution to the treasurer of the 10232
board of education of the city, exempted village, or local school 10233
district to which the territory is transferred. Such transfer 10234
shall not be complete however, until: 10235

(a) A resolution accepting the transfer has been passed by a 10236
majority vote of the full membership of the board of education of 10237
the city, exempted village, or local school district to which the 10238
territory is transferred; 10239

(b) An equitable division of the funds and indebtedness 10240

between the districts involved has been made by the board of 10241
education making the transfer; 10242

(c) A map showing the boundaries of the territory transferred 10243
has been filed, by the board of education accepting the transfer, 10244
with the county auditor of each county affected by the transfer. 10245

When such transfer is complete the legal title of the school 10246
property in the territory transferred shall be vested in the board 10247
of education or governing board of the school district to which 10248
the territory is transferred. 10249

(B) Whenever the transfer of territory pursuant to this 10250
section is initiated by a board of education, the board shall, 10251
before filing a proposal for transfer with the state board of 10252
education under this section, make a good faith effort to 10253
negotiate the terms of transfer with any other school district 10254
whose territory would be affected by the transfer. Before the 10255
state board may hold a hearing on the transfer, or approve or 10256
disapprove any such transfer, it must receive the following: 10257

(1) A resolution requesting approval of the transfer, passed 10258
by the school district submitting the proposal and, if applicable, 10259
evidence of the consent of affected property owners to the 10260
transfer; 10261

(2) Evidence determined to be sufficient by the state board 10262
to show that good faith negotiations have taken place or that the 10263
district requesting the transfer has made a good faith effort to 10264
hold such negotiations; 10265

(3) If any negotiations took place, a statement signed by all 10266
boards that participated in the negotiations, listing the terms 10267
agreed on and the points on which no agreement could be reached. 10268

Negotiations held pursuant to this section shall be governed 10269
by the rules adopted by the state board under division (D) of 10270
section 3311.06 of the Revised Code. Districts involved in a 10271

transfer under division (B) of this section may agree to share 10272
revenues from the property included in the territory to be 10273
transferred, establish cooperative programs between the 10274
participating districts, and establish mechanisms for the 10275
settlement of any future boundary disputes. 10276

Sec. 3313.842. (A) The boards of education of any two or more 10277
school districts may enter into an agreement for joint or 10278
cooperative establishment and operation of any educational program 10279
including any class, course, or program that may be included in a 10280
school district's graded course of study and staff development 10281
programs for teaching and nonteaching school employees. Each 10282
school district that is party to such an agreement may contribute 10283
funds of the district in support of the agreement and for the 10284
establishment and operation of any educational program established 10285
under the agreement. The agreement shall designate one of the 10286
districts as the district responsible for receiving and disbursing 10287
the funds contributed by the districts that are parties to the 10288
agreement. 10289

(B) Notwithstanding sections 3313.48 and 3313.64 of the 10290
Revised Code, any district that is party to an agreement for joint 10291
or cooperative establishment and operation of an educational 10292
program may charge fees or tuition for students who participate in 10293
the program and are entitled to attend school in the district 10294
under section 3313.64 or 3313.65 of the Revised Code. 10295

Sec. 3313.978. (A) Annually by the first day of November, the 10296
superintendent of public instruction shall notify the pilot 10297
project school district of the number of initial scholarships that 10298
the state superintendent will be awarding in each of grades 10299
kindergarten through eight. 10300

The state superintendent shall provide information about the 10301

scholarship program to all students residing in the district, 10302
shall accept applications from any such students until such date 10303
as shall be established by the state superintendent as a deadline 10304
for applications, and shall establish criteria for the selection 10305
of students to receive scholarships from among all those applying 10306
prior to the deadline, which criteria shall give preference to 10307
students from low-income families. For each student selected, the 10308
state superintendent shall also determine whether the student 10309
qualifies for seventy-five or ninety per cent of the scholarship 10310
amount. Students whose family income is at or above two hundred 10311
per cent of the maximum income level established by the state 10312
superintendent for low-income families shall qualify for 10313
seventy-five per cent of the scholarship amount and students whose 10314
family income is below two hundred per cent of that maximum income 10315
level shall qualify for ninety per cent of the scholarship amount. 10316
The state superintendent shall notify students of their selection 10317
prior to the fifteenth day of January and whether they qualify for 10318
seventy-five or ninety per cent of the scholarship amount. 10319

(1) A student receiving a pilot project scholarship may 10320
utilize it at an alternative public school by notifying the 10321
district superintendent, at any time before the beginning of the 10322
school year, of the name of the public school in an adjacent 10323
school district to which the student has been accepted pursuant to 10324
section 3327.06 of the Revised Code. 10325

(2) A student may decide to utilize a pilot project 10326
scholarship at a registered private school in the district if all 10327
of the following conditions are met: 10328

(a) By the fifteenth day of February of the preceding school 10329
year, or at any time prior to the start of the school year, the 10330
parent makes an application on behalf of the student to a 10331
registered private school. 10332

(b) The registered private school notifies the parent and the 10333

state superintendent as follows that the student has been 10334
admitted: 10335

(i) By the fifteenth day of March of the preceding school 10336
year if the student filed an application by the fifteenth day of 10337
February and was admitted by the school pursuant to division (A) 10338
of section 3313.977 of the Revised Code; 10339

(ii) Within one week of the decision to admit the student if 10340
the student is admitted pursuant to division (C) of section 10341
3313.977 of the Revised Code. 10342

(c) The student actually enrolls in the registered private 10343
school to which the student was first admitted or in another 10344
registered private school in the district or in a public school in 10345
an adjacent school district. 10346

(B) The state superintendent shall also award in any school 10347
year tutorial assistance grants to a number of students equal to 10348
the number of students who receive scholarships under division (A) 10349
of this section. Tutorial assistance grants shall be awarded 10350
solely to students who are enrolled in the public schools of the 10351
district in a grade level covered by the pilot project. Tutorial 10352
assistance grants may be used solely to obtain tutorial assistance 10353
from a provider approved pursuant to division (D) of section 10354
3313.976 of the Revised Code. 10355

All students wishing to obtain tutorial assistance grants 10356
shall make application to the state superintendent by the first 10357
day of the school year in which the assistance will be used. The 10358
state superintendent shall award assistance grants in accordance 10359
with criteria the superintendent shall establish. For each student 10360
awarded a grant, the state superintendent shall also determine 10361
whether the student qualifies for seventy-five or ninety per cent 10362
of the grant amount and so notify the student. Students whose 10363
family income is at or above two hundred per cent of the maximum 10364

income level established by the state superintendent for 10365
low-income families shall qualify for seventy-five per cent of the 10366
grant amount and students whose family income is below two hundred 10367
per cent of that maximum income level shall qualify for ninety per 10368
cent of the grant amount. 10369

(C)(1) In the case of basic scholarships for students in 10370
grades kindergarten through eight, the scholarship amount shall 10371
not exceed the lesser of the tuition charges of the alternative 10372
school the scholarship recipient attends or three thousand dollars 10373
before fiscal year 2007 and three thousand four hundred fifty 10374
dollars in fiscal year 2007 and thereafter. 10375

In the case of basic scholarships for students in grades nine 10376
through twelve, the scholarship amount shall not exceed the lesser 10377
of the tuition charges of the alternative school the scholarship 10378
recipient attends or two thousand seven hundred dollars before 10379
fiscal year 2007 and three thousand four hundred fifty dollars in 10380
fiscal year 2007 and thereafter. 10381

(2) The state superintendent shall provide for an increase in 10382
the basic scholarship amount in the case of any student who is a 10383
mainstreamed student with a disability and shall further increase 10384
such amount in the case of any separately educated student with a 10385
disability. Such increases shall take into account the 10386
instruction, related services, and transportation costs of 10387
educating such students. 10388

(3) In the case of tutorial assistance grants, the grant 10389
amount shall not exceed the lesser of the provider's actual 10390
charges for such assistance or: 10391

(a) Before fiscal year 2007, a percentage established by the 10392
state superintendent, not to exceed twenty per cent, of the amount 10393
of the pilot project school district's average basic scholarship 10394
amount; 10395

(b) In fiscal year 2007 and thereafter, four hundred dollars. 10396

(4) No scholarship or tutorial assistance grant shall be 10397
awarded unless the state superintendent determines that 10398
twenty-five or ten per cent, as applicable, of the amount 10399
specified for such scholarship or grant pursuant to division 10400
(C)(1), (2), or (3) of this section will be furnished by a 10401
political subdivision, a private nonprofit or for profit entity, 10402
or another person. Only seventy-five or ninety per cent of such 10403
amounts, as applicable, shall be paid from state funds pursuant to 10404
section 3313.979 of the Revised Code. 10405

(D)(1) Annually by the first day of November, the state 10406
superintendent shall estimate the maximum per-pupil scholarship 10407
amounts for the ensuing school year. The state superintendent 10408
shall make this estimate available to the general public at the 10409
offices of the district board of education together with the forms 10410
required by division (D)(2) of this section. 10411

(2) Annually by the fifteenth day of January, the chief 10412
administrator of each registered private school located in the 10413
pilot project district and the principal of each public school in 10414
such district shall complete a parental information form and 10415
forward it to the president of the board of education. The 10416
parental information form shall be prescribed by the department of 10417
education and shall provide information about the grade levels 10418
offered, the numbers of students, tuition amounts, achievement 10419
test results, and any sectarian or other organizational 10420
affiliations. 10421

(E)(1) Only for the purpose of administering the pilot 10422
project scholarship program, the department may request from any 10423
of the following entities the data verification code assigned 10424
under division (D)(2) of section 3301.0714 of the Revised Code to 10425
any student who is seeking a scholarship under the program: 10426

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code; 10427
10428
10429

(b) If applicable, the community school in which the student is enrolled; 10430
10431

(c) The independent contractor engaged to create and maintain data verification codes. 10432
10433

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student. 10434
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The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 10446
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(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law. 10451
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(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record 10454
10455
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10457

under section 149.43 of the Revised Code. 10458

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 10459
may be established under this chapter only if the school's 10460
governing authority enters into a contract with an operator that 10461
manages other schools in the United States that perform at a level 10462
higher than academic watch. The governing authority of the 10463
community school may sign a contract with an operator only if the 10464
operator has fewer contracts with the governing authorities of new 10465
start-up schools established under this chapter after June 30, 10466
2007, than the number of schools managed by the operator in the 10467
United States that perform at a level higher than academic watch, 10468
as determined by the department of education. 10469

(B) Notwithstanding division (A) of this section, the 10470
governing authority of a start-up school sponsored by an entity 10471
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 10472
Revised Code may establish one additional school serving the same 10473
grade levels and providing the same educational program as the 10474
current start-up school and may open that additional school in the 10475
2007-2008 school year, if both of the following conditions are 10476
met: 10477

(1) The governing authority entered into another contract 10478
with the same sponsor or a different sponsor described in 10479
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 10480
and filed a copy of that contract with the superintendent of 10481
public instruction prior to March 15, 2006. 10482

(2) The governing authority's current school satisfies all of 10483
the following conditions: 10484

(a) The school currently is rated as excellent or effective 10485
pursuant to section 3302.03 of the Revised Code. 10486

(b) The school made adequate yearly progress, as defined in 10487

section 3302.01 of the Revised Code, for the previous school year. 10488

(c) The school has been in operation for at least four school 10489
years. 10490

(d) The school is not managed by an operator. 10491

(C) Notwithstanding division (A) of this section, the 10492
governing authority of a start-up school sponsored by the big 10493
eight school district in which the school is located may establish 10494
one additional start-up school that is located in the same school 10495
district and that provides a general educational program to 10496
students in any or all of grades kindergarten through five to 10497
facilitate their transition to the current start-up school, and 10498
may open the additional start-up school in the 2009-2010 school 10499
year, if both of the following conditions are met: 10500

(1) The governing authority enters into another contract with 10501
the same sponsor and files a copy of the contract with the 10502
superintendent of public instruction prior to March 15, 2009. 10503

(2) The governing authority's current school satisfies all of 10504
the following conditions: 10505

(a) The school provided instruction to students for eleven 10506
months in the previous school year. 10507

(b) The school has been in operation for at least two school 10508
years. 10509

(c) The school qualified to be rated in need of continuous 10510
improvement or higher pursuant to section 3302.03 of the Revised 10511
Code for its first school year of operation, even though the 10512
department of education did not issue a report card for the school 10513
for that school year. 10514

Sec. 3314.02. (A) As used in this chapter: 10515

(1) "Sponsor" means an entity listed in division (C)(1) of 10516

this section, which has been approved by the department of 10517
education to sponsor community schools and with which the 10518
governing authority of the proposed community school enters into a 10519
contract pursuant to this section. 10520

(2) "Pilot project area" means the school districts included 10521
in the territory of the former community school pilot project 10522
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 10523
the 122nd general assembly. 10524

(3) "Challenged school district" means any of the following: 10525

(a) A school district that is part of the pilot project area; 10526

(b) A school district that is either in a state of academic 10527
emergency or in a state of academic watch under section 3302.03 of 10528
the Revised Code; 10529

(c) A big eight school district. 10530

(4) "Big eight school district" means a school district that 10531
for fiscal year 1997 had both of the following: 10532

(a) A percentage of children residing in the district and 10533
participating in the predecessor of Ohio works first greater than 10534
thirty per cent, as reported pursuant to section 3317.10 of the 10535
Revised Code; 10536

(b) An average daily membership greater than twelve thousand, 10537
as reported pursuant to former division (A) of section 3317.03 of 10538
the Revised Code. 10539

(5) "New start-up school" means a community school other than 10540
one created by converting all or part of an existing public school 10541
or educational service center building, as designated in the 10542
school's contract pursuant to division (A)(17) of section 3314.03 10543
of the Revised Code. 10544

(6) "Urban school district" means one of the state's 10545
twenty-one urban school districts as defined in division (O) of 10546

section 3317.02 of the Revised Code as that section existed prior 10547
to July 1, 1998. 10548

(7) "Internet- or computer-based community school" means a 10549
community school established under this chapter in which the 10550
enrolled students work primarily from their residences on 10551
assignments in nonclassroom-based learning opportunities provided 10552
via an internet- or other computer-based instructional method that 10553
does not rely on regular classroom instruction or via 10554
comprehensive instructional methods that include internet-based, 10555
other computer-based, and noncomputer-based learning 10556
opportunities. 10557

(B) Any person or group of individuals may initially propose 10558
under this division the conversion of all or a portion of a public 10559
school or a building operated by an educational service center to 10560
a community school. The proposal shall be made to the board of 10561
education of the city, local, or exempted village school district 10562
in which the public school is proposed to be converted or, in the 10563
case of the conversion of a building operated by an educational 10564
service center, to the governing board of the service center. Upon 10565
receipt of a proposal, a board may enter into a preliminary 10566
agreement with the person or group proposing the conversion of the 10567
public school or service center building, indicating the intention 10568
of the board ~~of education~~ to support the conversion to a community 10569
school. A proposing person or group that has a preliminary 10570
agreement under this division may proceed to finalize plans for 10571
the school, establish a governing authority for the school, and 10572
negotiate a contract with the board ~~of education~~. Provided the 10573
proposing person or group adheres to the preliminary agreement and 10574
all provisions of this chapter, the board ~~of education~~ shall 10575
negotiate in good faith to enter into a contract in accordance 10576
with section 3314.03 of the Revised Code and division (C) of this 10577
section. 10578

(C)(1) Any person or group of individuals may propose under 10579
this division the establishment of a new start-up school to be 10580
located in a challenged school district. The proposal may be made 10581
to any of the following entities: 10582

(a) The board of education of the district in which the 10583
school is proposed to be located; 10584

(b) The board of education of any joint vocational school 10585
district with territory in the county in which is located the 10586
majority of the territory of the district in which the school is 10587
proposed to be located; 10588

(c) The board of education of any other city, local, or 10589
exempted village school district having territory in the same 10590
county where the district in which the school is proposed to be 10591
located has the major portion of its territory; 10592

(d) The governing board of any educational service center, as 10593
long as the proposed school will be located in a county within the 10594
territory of the service center or in a county contiguous to such 10595
county; 10596

(e) A sponsoring authority designated by the board of 10597
trustees of any of the thirteen state universities listed in 10598
section 3345.011 of the Revised Code or the board of trustees 10599
itself as long as a mission of the proposed school to be specified 10600
in the contract under division (A)(2) of section 3314.03 of the 10601
Revised Code and as approved by the department of education under 10602
division (B)(2) of section 3314.015 of the Revised Code will be 10603
the practical demonstration of teaching methods, educational 10604
technology, or other teaching practices that are included in the 10605
curriculum of the university's teacher preparation program 10606
approved by the state board of education; 10607

(f) Any qualified tax-exempt entity under section 501(c)(3) 10608
of the Internal Revenue Code as long as all of the following 10609

conditions are satisfied: 10610

(i) The entity has been in operation for at least five years 10611
prior to applying to be a community school sponsor. 10612

(ii) The entity has assets of at least five hundred thousand 10613
dollars and a demonstrated record of financial responsibility. 10614

(iii) The department of education has determined that the 10615
entity is an education-oriented entity under division (B)(3) of 10616
section 3314.015 of the Revised Code and the entity has a 10617
demonstrated record of successful implementation of educational 10618
programs. 10619

(iv) The entity is not a community school. 10620

Any entity described in division (C)(1) of this section may 10621
enter into a preliminary agreement pursuant to division (C)(2) of 10622
this section with the proposing person or group. 10623

(2) A preliminary agreement indicates the intention of an 10624
entity described in division (C)(1) of this section to sponsor the 10625
community school. A proposing person or group that has such a 10626
preliminary agreement may proceed to finalize plans for the 10627
school, establish a governing authority as described in division 10628
(E) of this section for the school, and negotiate a contract with 10629
the entity. Provided the proposing person or group adheres to the 10630
preliminary agreement and all provisions of this chapter, the 10631
entity shall negotiate in good faith to enter into a contract in 10632
accordance with section 3314.03 of the Revised Code. 10633

(3) A new start-up school that is established in a school 10634
district while that district is either in a state of academic 10635
emergency or in a state of academic watch under section 3302.03 of 10636
the Revised Code may continue in existence once the school 10637
district is no longer in a state of academic emergency or academic 10638
watch, provided there is a valid contract between the school and a 10639
sponsor. 10640

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013, 3314.014, 3314.016, and 3314.017 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(2) No person shall serve on the governing authorities of more than two start-up community schools at the same time.

(3) No present or former member, or immediate relative of a present or former member, of the governing authority of any community school established under this chapter shall be an owner, employee, or consultant of any nonprofit or for-profit operator of a community school, unless at least one year has elapsed since the conclusion of the person's membership.

~~(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract.~~

~~(G)~~(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on ~~the effective date of this amendment~~ June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after ~~the~~

~~effective date of this amendment~~ June 30, 2007, and may renew its 10704
contract with the school. However, the educational service center 10705
shall not enter into a contract with any additional community 10706
school unless the school is located in a county within the 10707
territory of the service center or in a county contiguous to such 10708
county. 10709

Sec. 3314.03. A copy of every contract entered into under 10710
this section shall be filed with the superintendent of public 10711
instruction. 10712

(A) Each contract entered into between a sponsor and the 10713
governing authority of a community school shall specify the 10714
following: 10715

(1) That the school shall be established as either of the 10716
following: 10717

(a) A nonprofit corporation established under Chapter 1702. 10718
of the Revised Code, if established prior to April 8, 2003; 10719

(b) A public benefit corporation established under Chapter 10720
1702. of the Revised Code, if established after April 8, 2003; 10721

(2) The education program of the school, including the 10722
school's mission, the characteristics of the students the school 10723
is expected to attract, the ages and grades of students, and the 10724
focus of the curriculum; 10725

(3) The academic goals to be achieved and the method of 10726
measurement that will be used to determine progress toward those 10727
goals, which shall include the statewide achievement tests; 10728

(4) Performance standards by which the success of the school 10729
will be evaluated by the sponsor; 10730

(5) The admission standards of section 3314.06 of the Revised 10731
Code and, if applicable, section 3314.061 of the Revised Code; 10732

(6)(a) Dismissal procedures;	10733
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	10734 10735 10736 10737 10738 10739
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	10740 10741
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	10742 10743 10744 10745 10746 10747
(9) The facilities to be used and their locations;	10748
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	10749 10750 10751 10752 10753 10754
(11) That the school will comply with the following requirements:	10755 10756
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	10757 10758 10759
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	10760 10761 10762

(c) The school will be nonsectarian in its programs, 10763
admission policies, employment practices, and all other 10764
operations, and will not be operated by a sectarian school or 10765
religious institution; 10766

(d) The school will comply with sections 9.90, 9.91, 109.65, 10767
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 10768
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 10769
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 10770
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 10771
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 10772
3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 10773
3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 10774
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 10775
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 10776
and 4167. of the Revised Code as if it were a school district and 10777
will comply with section 3301.0714 of the Revised Code in the 10778
manner specified in section 3314.17 of the Revised Code; 10779

(e) The school shall comply with Chapter 102. and section 10780
2921.42 of the Revised Code; 10781

(f) The school will comply with sections 3313.61, 3313.611, 10782
and 3313.614 of the Revised Code, except that for students who 10783
enter ninth grade for the first time before July 1, 2010, the 10784
requirement in sections 3313.61 and 3313.611 of the Revised Code 10785
that a person must successfully complete the curriculum in any 10786
high school prior to receiving a high school diploma may be met by 10787
completing the curriculum adopted by the governing authority of 10788
the community school rather than the curriculum specified in Title 10789
XXXVIII of the Revised Code or any rules of the state board of 10790
education. Beginning with students who enter ninth grade for the 10791
first time on or after July 1, 2010, the requirement in sections 10792
3313.61 and 3313.611 of the Revised Code that a person must 10793
successfully complete the curriculum of a high school prior to 10794

receiving a high school diploma shall be met by completing the 10795
Ohio core curriculum prescribed in division (C) of section 10796
3313.603 of the Revised Code, unless the person qualifies under 10797
division (D) or (F) of that section. Each school shall comply with 10798
the plan for awarding high school credit based on demonstration of 10799
subject area competency, adopted by the state board of education 10800
under division (J) of section 3313.603 of the Revised Code. 10801

(g) The school governing authority will submit within four 10802
months after the end of each school year a report of its 10803
activities and progress in meeting the goals and standards of 10804
divisions (A)(3) and (4) of this section and its financial status 10805
to the sponsor and the parents of all students enrolled in the 10806
school. 10807

(h) The school, unless it is an internet- or computer-based 10808
community school, will comply with section 3313.801 of the Revised 10809
Code as if it were a school district. 10810

(12) Arrangements for providing health and other benefits to 10811
employees; 10812

(13) The length of the contract, which shall begin at the 10813
beginning of an academic year. No contract shall exceed five years 10814
unless such contract has been renewed pursuant to division (E) of 10815
this section. 10816

(14) The governing authority of the school, which shall be 10817
responsible for carrying out the provisions of the contract; 10818

(15) A financial plan detailing an estimated school budget 10819
for each year of the period of the contract and specifying the 10820
total estimated per pupil expenditure amount for each such year. 10821
The plan shall specify for each year the base formula amount that 10822
will be used for purposes of funding calculations under section 10823
3314.08 of the Revised Code. This base formula amount for any year 10824
shall not exceed the formula amount defined under section 3317.02 10825

of the Revised Code. The plan may also specify for any year a 10826
percentage figure to be used for reducing the per pupil amount of 10827
the subsidy calculated pursuant to section 3317.029 of the Revised 10828
Code the school is to receive that year under section 3314.08 of 10829
the Revised Code. 10830

(16) Requirements and procedures regarding the disposition of 10831
employees of the school in the event the contract is terminated or 10832
not renewed pursuant to section 3314.07 of the Revised Code; 10833

(17) Whether the school is to be created by converting all or 10834
part of an existing public school or educational service center 10835
building or is to be a new start-up school, and if it is a 10836
converted public school or service center building, specification 10837
of any duties or responsibilities of an employer that the board of 10838
education or service center governing board that operated the 10839
school or building before conversion is delegating to the 10840
governing ~~board~~ authority of the community school with respect to 10841
all or any specified group of employees provided the delegation is 10842
not prohibited by a collective bargaining agreement applicable to 10843
such employees; 10844

(18) Provisions establishing procedures for resolving 10845
disputes or differences of opinion between the sponsor and the 10846
governing authority of the community school; 10847

(19) A provision requiring the governing authority to adopt a 10848
policy regarding the admission of students who reside outside the 10849
district in which the school is located. That policy shall comply 10850
with the admissions procedures specified in sections 3314.06 and 10851
3314.061 of the Revised Code and, at the sole discretion of the 10852
authority, shall do one of the following: 10853

(a) Prohibit the enrollment of students who reside outside 10854
the district in which the school is located; 10855

(b) Permit the enrollment of students who reside in districts 10856

adjacent to the district in which the school is located; 10857

(c) Permit the enrollment of students who reside in any other 10858
district in the state. 10859

(20) A provision recognizing the authority of the department 10860
of education to take over the sponsorship of the school in 10861
accordance with the provisions of division (C) of section 3314.015 10862
of the Revised Code; 10863

(21) A provision recognizing the sponsor's authority to 10864
assume the operation of a school under the conditions specified in 10865
division (B) of section 3314.073 of the Revised Code; 10866

(22) A provision recognizing both of the following: 10867

(a) The authority of public health and safety officials to 10868
inspect the facilities of the school and to order the facilities 10869
closed if those officials find that the facilities are not in 10870
compliance with health and safety laws and regulations; 10871

(b) The authority of the department of education as the 10872
community school oversight body to suspend the operation of the 10873
school under section 3314.072 of the Revised Code if the 10874
department has evidence of conditions or violations of law at the 10875
school that pose an imminent danger to the health and safety of 10876
the school's students and employees and the sponsor refuses to 10877
take such action; 10878

(23) A description of the learning opportunities that will be 10879
offered to students including both classroom-based and 10880
non-classroom-based learning opportunities that is in compliance 10881
with criteria for student participation established by the 10882
department under division (L)(2) of section 3314.08 of the Revised 10883
Code; 10884

(24) The school will comply with section 3302.04 of the 10885
Revised Code, including division (E) of that section to the extent 10886

possible, except that any action required to be taken by a school 10887
district pursuant to that section shall be taken by the sponsor of 10888
the school. However, the sponsor shall not be required to take any 10889
action described in division (F) of that section. 10890

(25) Beginning in the 2006-2007 school year, the school will 10891
open for operation not later than the thirtieth day of September 10892
each school year, unless the mission of the school as specified 10893
under division (A)(2) of this section is solely to serve dropouts. 10894
In its initial year of operation, if the school fails to open by 10895
the thirtieth day of September, or within one year after the 10896
adoption of the contract pursuant to division (D) of section 10897
3314.02 of the Revised Code if the mission of the school is solely 10898
to serve dropouts, the contract shall be void. 10899

(B) The community school shall also submit to the sponsor a 10900
comprehensive plan for the school. The plan shall specify the 10901
following: 10902

(1) The process by which the governing authority of the 10903
school will be selected in the future; 10904

(2) The management and administration of the school; 10905

(3) If the community school is a currently existing public 10906
school or educational service center building, alternative 10907
arrangements for current public school students who choose not to 10908
attend the converted school and for teachers who choose not to 10909
teach in the school or building after conversion; 10910

(4) The instructional program and educational philosophy of 10911
the school; 10912

(5) Internal financial controls. 10913

(C) A contract entered into under section 3314.02 of the 10914
Revised Code between a sponsor and the governing authority of a 10915
community school may provide for the community school governing 10916

authority to make payments to the sponsor, which is hereby 10917
authorized to receive such payments as set forth in the contract 10918
between the governing authority and the sponsor. The total amount 10919
of such payments for oversight and monitoring of the school shall 10920
not exceed three per cent of the total amount of payments for 10921
operating expenses that the school receives from the state. 10922

(D) The contract shall specify the duties of the sponsor 10923
which shall be in accordance with the written agreement entered 10924
into with the department of education under division (B) of 10925
section 3314.015 of the Revised Code and shall include the 10926
following: 10927

(1) Monitor the community school's compliance with all laws 10928
applicable to the school and with the terms of the contract; 10929

(2) Monitor and evaluate the academic and fiscal performance 10930
and the organization and operation of the community school on at 10931
least an annual basis; 10932

(3) Report on an annual basis the results of the evaluation 10933
conducted under division (D)(2) of this section to the department 10934
of education and to the parents of students enrolled in the 10935
community school; 10936

(4) Provide technical assistance to the community school in 10937
complying with laws applicable to the school and terms of the 10938
contract; 10939

(5) Take steps to intervene in the school's operation to 10940
correct problems in the school's overall performance, declare the 10941
school to be on probationary status pursuant to section 3314.073 10942
of the Revised Code, suspend the operation of the school pursuant 10943
to section 3314.072 of the Revised Code, or terminate the contract 10944
of the school pursuant to section 3314.07 of the Revised Code as 10945
determined necessary by the sponsor; 10946

(6) Have in place a plan of action to be undertaken in the 10947

event the community school experiences financial difficulties or 10948
closes prior to the end of a school year. 10949

(E) Upon the expiration of a contract entered into under this 10950
section, the sponsor of a community school may, with the approval 10951
of the governing authority of the school, renew that contract for 10952
a period of time determined by the sponsor, but not ending earlier 10953
than the end of any school year, if the sponsor finds that the 10954
school's compliance with applicable laws and terms of the contract 10955
and the school's progress in meeting the academic goals prescribed 10956
in the contract have been satisfactory. Any contract that is 10957
renewed under this division remains subject to the provisions of 10958
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 10959

(F) If a community school fails to open for operation within 10960
one year after the contract entered into under this section is 10961
adopted pursuant to division (D) of section 3314.02 of the Revised 10962
Code or permanently closes prior to the expiration of the 10963
contract, the contract shall be void and the school shall not 10964
enter into a contract with any other sponsor. A school shall not 10965
be considered permanently closed because the operations of the 10966
school have been suspended pursuant to section 3314.072 of the 10967
Revised Code. Any contract that becomes void under this division 10968
shall not count toward any statewide limit on the number of such 10969
contracts prescribed by section 3314.013 of the Revised Code. 10970

~~Sec. 3314.05. Division (A) of this section shall not apply to 10971
internet or computer based community schools. 10972~~

(A) The contract between the community school and the sponsor 10973
shall specify the facilities to be used for the community school 10974
and the method of acquisition. Except as provided in division 10975
(B)(3) of this section, no community school shall be established 10976
in more than one school district under the same contract. 10977

~~(A) A (B) Division (B) of this section shall not apply to 10978~~

internet- or computer-based community schools. 10979

(1) A community school may be located in multiple facilities 10980
under the same contract only if the limitations on availability of 10981
space prohibit serving all the grade levels specified in the 10982
contract in a single facility or division (B)(2) or (3) of this 10983
section applies to the school. The school shall not offer the same 10984
grade level classrooms in more than one facility. 10985

(2) A community school may be located in multiple facilities 10986
under the same contract and, notwithstanding division (B)(1) of 10987
this section, may assign students in the same grade level to 10988
multiple facilities, as long as all of the following apply: 10989

(a) The governing authority of the community school filed a 10990
copy of its contract with the school's sponsor under section 10991
3314.03 of the Revised Code with the superintendent of public 10992
instruction on or before May 15, 2008. 10993

(b) The school was not open for operation prior to July 1, 10994
2008. 10995

(c) The governing authority has entered into and maintains a 10996
contract with an operator of the type described in division (A)(2) 10997
of section 3314.014 of the Revised Code. 10998

(d) The contract with that operator qualified the school to 10999
be established pursuant to division (A) of section 3314.016 of the 11000
Revised Code. 11001

(e) The school's rating under section 3302.03 of the Revised 11002
Code does not fall below "in need of continuous improvement" for 11003
two or more consecutive years. 11004

(3) A new start-up community school may be established in two 11005
school districts under the same contract if all of the following 11006
apply: 11007

(a) At least one of the school districts in which the school 11008

is established is a challenged school district; 11009

(b) The school operates not more than one facility in each 11010
school district and, in accordance with division (B)(1) of this 11011
section, the school does not offer the same grade level classrooms 11012
in both facilities; and 11013

(c) Transportation between the two facilities does not 11014
require more than thirty minutes of direct travel time as measured 11015
by school bus. 11016

In the case of a community school to which division (B)(3) of 11017
this section applies, if only one of the school districts in which 11018
the school is established is a challenged school district, that 11019
district shall be considered the school's primary location and the 11020
district in which the school is located for the purposes of 11021
division (A)(19) of section 3314.03 and divisions (C) and (H) of 11022
section 3314.06 of the Revised Code and for all other purposes of 11023
this chapter. If both of the school districts in which the school 11024
is established are challenged school districts, the school's 11025
governing authority shall designate one of those districts to be 11026
considered the school's primary location and the district in which 11027
the school is located for the purposes of those divisions and all 11028
other purposes of this chapter and shall notify the department of 11029
education of that designation. 11030

(4) Any facility used for a community school shall meet all 11031
health and safety standards established by law for school 11032
buildings. 11033

~~(B)~~(C) In the case where a community school is proposed to be 11034
located in a facility owned by a school district or educational 11035
service center, the facility may not be used for such community 11036
school unless the district or service center board owning the 11037
facility enters into an agreement for the community school to 11038
utilize the facility. Use of the facility may be under any terms 11039

and conditions agreed to by the district or service center board 11040
and the school. 11041

Sec. 3314.37. (A) A five-year demonstration project is hereby 11042
established at the community schools known as the ISUS institutes. 11043
The project is a research and development initiative to collect 11044
and analyze data with which to improve dropout prevention and 11045
recovery programs, to evaluate various methodologies employed in 11046
those programs, to develop tools and criteria for evaluating 11047
community schools that operate dropout prevention and recovery 11048
programs, to institute stringent accountability measures for such 11049
community schools, and to direct curricular and programming 11050
decisions for such community schools. The program shall begin with 11051
the 2008-2009 school year and shall operate through the 2012-2013 11052
school year. 11053

(B) Under the demonstration project, the ISUS institutes 11054
shall select and pay the costs of an independent evaluator to 11055
create a study plan and collect and analyze data from the 11056
institutes. The ISUS institutes' selection of the independent 11057
evaluator is subject to the approval of the department of 11058
education. The data collected by the evaluator shall include, but 11059
need not be limited to, the following: 11060

(1) Baseline measures of student status at enrollment, 11061
including academic level; history of court involvement, drug use, 11062
and other behavioral problems; and the circumstances of the 11063
students' parenting and living arrangements; 11064

(2) Student academic progress, measured at multiple and 11065
regular intervals each school year; 11066

(3) Value-added elements of the institutes' dropout 11067
prevention and recovery programs, including industry 11068
certifications, college coursework, community service and service 11069
learning, apprenticeships, and internships; 11070

(4) Outcomes in addition to high school graduation, including students' contributions to community service and students' transitions to employment, post-secondary training, college, or the military. 11071
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(C) Not later than the thirtieth day of September following each school year in which the demonstration project is operating, the independent evaluator shall do both of the following: 11075
11076
11077

(1) Submit to the ISUS institutes and the department all data collected and a report of its data analysis; 11078
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(2) Submit a report of its data analysis to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation. 11080
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(D) For each school year in which the demonstration project is operating: 11086
11087

(1) The ISUS institutes shall continue to report data through the education management information system under section 3314.17 of the Revised Code. 11088
11089
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(2) The department shall continue to issue annual report cards for the ISUS institutes under section 3314.012 of the Revised Code and shall continue to assign them performance ratings under division (B) of section 3302.03 of the Revised Code. 11091
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(E) Nothing in this section prevents the application to the ISUS institutes, during the demonstration project, of any provision of the Revised Code or rule or policy of the department or the state board of education requiring closure, or otherwise restricting the operation, of a community school based on measures of academic performance for any school year before or during the demonstration project. Nothing in this section prevents a sponsor 11095
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of an ISUS institute from terminating or not renewing its contract 11102
with the school, from suspending the operations of the school, or 11103
from placing the school on probationary status, in accordance with 11104
this chapter, during the demonstration project. Nothing in this 11105
section prevents the auditor of state from taking action against 11106
an ISUS institute under Chapter 117. of the Revised Code or other 11107
applicable law during the demonstration project. 11108

(F) The department may conduct its own analysis of data 11110
submitted under the demonstration project. 11111

(G) Not later than December 31, 2013, the independent 11112
evaluator shall issue a final report of its findings and analysis 11113
and its recommendations for appropriate academic accountability 11114
measures for community schools that operate dropout prevention and 11115
recovery programs. The independent evaluator shall submit the 11116
report to the department, the speaker and minority leader of the 11117
house of representatives, the president and minority leader of the 11118
senate, and the chairpersons and ranking minority members of the 11119
standing committees of the house of representatives and the senate 11120
that consider education legislation. 11121

Sec. 3314.40. The governing authorities of two or more 11122
community schools may enter into a pooling agreement under which 11123
the schools may act jointly to do any of the following: 11124

(A) Purchase health insurance for the schools' employees; 11125

(B) Secure liability insurance for the schools; 11126

(C) Purchase other goods or services necessary for the 11127
operation of the schools; 11128

(D) Provide transportation to students enrolled in the 11129
schools. 11130

Sec. 3316.03. (A) The existence of a fiscal watch shall be 11131
declared by the auditor of state. The auditor of state may make a 11132
determination on the auditor of state's initiative, or upon 11133
receipt of a written request for such a determination, which may 11134
be filed by the governor, the superintendent of public 11135
instruction, or a majority of the members of the board of 11136
education of the school district. 11137

(1) The auditor of state shall declare a school district to 11138
be in a state of fiscal watch if the auditor of state determines 11139
that both of the following conditions are satisfied with respect 11140
to the school district: 11141

(a) An operating deficit has been certified for the current 11142
fiscal year by the auditor of state, and the certified operating 11143
deficit exceeds eight per cent of the school district's general 11144
fund revenue for the preceding fiscal year; 11145

(b) A majority of the voting electors have not voted in favor 11146
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11147
Chapter 5748. of the Revised Code that the auditor of state 11148
expects will raise enough additional revenue in the next 11149
succeeding fiscal year that division (A)(1)(a) of this section 11150
will not apply to the district in such next succeeding fiscal 11151
year. 11152

(2) The auditor of state shall declare a school district to 11153
be in a state of fiscal watch if the auditor of state determines 11154
that the school district has outstanding securities issued under 11155
division (A)(4) of section 3316.06 of the Revised Code, and its 11156
financial planning and supervision commission has been terminated 11157
under section 3316.16 of the Revised Code. 11158

(3) The auditor of state shall declare a school district to 11159
be in a state of fiscal watch if both of the following conditions 11160
are satisfied: 11161

(a) The superintendent of public instruction has reported to 11162
the auditor of state that the superintendent has declared the 11163
district under section 3316.031 of the Revised Code to be under a 11164
fiscal caution, has found that the district has not acted 11165
reasonably to eliminate or correct practices or conditions that 11166
prompted the declaration, and has determined the declaration of a 11167
state of fiscal watch necessary to prevent further fiscal decline; 11168

(b) The auditor of state determines that the decision of the 11169
superintendent is reasonable. 11170

If the auditor of state determines that the decision of the 11171
superintendent is not reasonable, the auditor of state shall 11172
provide the superintendent with a written explanation of that 11173
determination. 11174

(4) The auditor of state may declare a school district to be 11175
in a state of fiscal watch if all of the following conditions are 11176
satisfied: 11177

(a) An operating deficit has been certified for the current 11178
fiscal year by the auditor of state, and the certified operating 11179
deficit exceeds two per cent, but does not exceed eight per cent, 11180
of the school district's general fund revenue for the preceding 11181
fiscal year; 11182

(b) A majority of the voting electors have not voted in favor 11183
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11184
Chapter 5748. of the Revised Code that the auditor of state 11185
expects will raise enough additional revenue in the next 11186
succeeding fiscal year that division (A)(4)(a) of this section 11187
will not apply to the district in the next succeeding fiscal year; 11188

(c) The auditor of state determines that there is no 11189
reasonable cause for the deficit or that the declaration of fiscal 11190
watch is necessary to prevent further fiscal decline in the 11191
district. 11192

(B)(1) The auditor of state shall issue an order declaring a school district to be in a state of fiscal emergency if the auditor of state determines that both of the following conditions are satisfied with respect to the school district:

(a) An operating deficit has been certified for the current fiscal year by the auditor of state, and the certified operating deficit exceeds fifteen per cent of the school district's general fund revenue for the preceding fiscal year. In determining the amount of an operating deficit under division (B)(1)(a) of this section, the auditor of state shall credit toward the amount of that deficit only the amount that may be borrowed from the spending reserve balance as determined under section 133.301 and division (F) of section 5705.29 of the Revised Code.

(b) A majority of the voting electors have not voted in favor of levying a tax under section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that division (B)(1)(a) of this section will not apply to the district in such next succeeding fiscal year.

(2) The auditor of state shall issue an order declaring a school district to be in a state of fiscal emergency if the school district board fails, pursuant to section 3316.04 of the Revised Code, to submit a plan acceptable to the state superintendent of public instruction within one hundred twenty days of the auditor of state's declaration under division (A) of this section or an updated plan when one is required by division (C) of section 3316.04 of the Revised Code;

(3) The auditor of state shall issue an order declaring a school district to be in a state of fiscal emergency if both of the following conditions are satisfied:

(a) The superintendent of public instruction has reported to 11224
the auditor of state that the district is not materially complying 11225
with the provisions of an original or updated plan as approved by 11226
the state superintendent under section 3316.04 of the Revised 11227
Code, and that the state superintendent has determined the 11228
declaration of a state of fiscal emergency necessary to prevent 11229
further fiscal decline; 11230

(b) The auditor of state finds that the determination of the 11231
superintendent is reasonable. 11232

If the auditor of state determines that the decision of the 11233
superintendent is not reasonable, the auditor of state shall 11234
provide the superintendent a written explanation of that 11235
determination. 11236

(4) The auditor of state shall issue an order declaring a 11237
school district to be in a state of fiscal emergency if a 11238
declaration of fiscal emergency is required by division (D) of 11239
section 3316.04 of the Revised Code. 11240

(5) The auditor of state may issue an order declaring a 11241
school district to be in a state of fiscal emergency if all of the 11242
following conditions are satisfied: 11243

(a) An operating deficit has been certified for the current 11244
fiscal year by the auditor of state, and the certified operating 11245
deficit exceeds ten per cent, but does not exceed fifteen per 11246
cent, of the school district's general fund revenue for the 11247
preceding fiscal year; 11248

(b) A majority of the voting electors have not voted in favor 11249
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11250
Chapter 5748. of the Revised Code that the auditor of state 11251
expects will raise enough additional revenue in the next 11252
succeeding fiscal year that division (B)(5)(a) of this section 11253
will not apply to the district in the next succeeding fiscal year; 11254

(c) The auditor of state determines that a declaration of fiscal emergency is necessary to correct the district's fiscal problems and to prevent further fiscal decline.

(C) In making the determinations under this section, the auditor of state may use financial reports required under section 117.43 of the Revised Code; tax budgets, certificates of estimated resources and amendments thereof, annual appropriating measures and spending plans, and any other documents or information prepared pursuant to Chapter 5705. of the Revised Code; and any other documents, records, or information available to the auditor of state that indicate the conditions described in divisions (A) and (B) of this section.

(D) The auditor of state shall certify the action taken under division (A) or (B) of this section to the board of education of the school district, the director of budget and management, the mayor or county auditor who could be required to act pursuant to division (B)(1) of section 3316.05 of the Revised Code, and to the superintendent of public instruction.

(E) A determination by the auditor of state under this section that a fiscal emergency condition does not exist is final and conclusive and not appealable. A determination by the auditor of state under this section that a fiscal emergency exists is final, except that the board of education of the school district affected by such a determination may appeal the determination of the existence of a fiscal emergency condition to the court of appeals having territorial jurisdiction over the school district. The appeal shall be heard expeditiously by the court of appeals and for good cause shown shall take precedence over all other civil matters except earlier matters of the same character. Notice of such appeal must be filed with the auditor of state and such court within thirty days after certification by the auditor of state to the board of education of the school district provided

for in division (D) of this section. In such appeal, 11287
determinations of the auditor of state shall be presumed to be 11288
valid and the board of education shall have the burden of proving, 11289
by clear and convincing evidence, that each of the determinations 11290
made by the auditor of state as to the existence of a fiscal 11291
emergency condition under this section was in error. If the board 11292
of education fails, upon presentation of its case, to prove by 11293
clear and convincing evidence that each such determination by the 11294
auditor of state was in error, the court shall dismiss the appeal. 11295
The board of education and the auditor of state may introduce any 11296
evidence relevant to the existence or nonexistence of such fiscal 11297
emergency conditions. The pendency of any such appeal shall not 11298
affect or impede the operations of this chapter; no restraining 11299
order, temporary injunction, or other similar restraint upon 11300
actions consistent with this chapter shall be imposed by the court 11301
or any court pending determination of such appeal; and all things 11302
may be done under this chapter that may be done regardless of the 11303
pendency of any such appeal. Any action taken or contract executed 11304
pursuant to this chapter during the pendency of such appeal is 11305
valid and enforceable among all parties, notwithstanding the 11306
decision in such appeal. If the court of appeals reverses the 11307
determination of the existence of a fiscal emergency condition by 11308
the auditor of state, the determination no longer has any effect, 11309
and any procedures undertaken as a result of the determination 11310
shall be terminated. 11311

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 11312
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 11313
subject to the approval of the superintendent of public 11314
instruction, a school district that is in a state of fiscal watch 11315
declared under section 3316.03 of the Revised Code may restructure 11316
or refinance loans obtained or in the process of being obtained 11317
under section 3313.483 of the Revised Code if all of the following 11318

requirements are met: 11319

(1) The operating deficit certified for the school district 11320
for the current or preceding fiscal year under section 3313.483 of 11321
the Revised Code exceeds fifteen per cent of the district's 11322
general revenue fund for the fiscal year preceding the year for 11323
which the certification of the operating deficit is made. 11324

(2) The school district voters have, during the period of the 11325
fiscal watch, approved the levy of a tax under section 718.09, 11326
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 11327
not a renewal or replacement levy, or a levy under section 11328
5705.199 of the Revised Code, and that will provide new operating 11329
revenue. 11330

(3) The board of education of the school district has adopted 11331
or amended the financial plan required by section 3316.04 of the 11332
Revised Code to reflect the restructured or refinanced loans, and 11333
sets forth the means by which the district will bring projected 11334
operating revenues and expenditures, and projected debt service 11335
obligations, into balance for the life of any such loan. 11336

(B) Subject to the approval of the superintendent of public 11337
instruction, the school district may issue securities to evidence 11338
the restructuring or refinancing authorized by this section. Such 11339
securities may extend the original period for repayment not to 11340
exceed ten years, and may alter the frequency and amount of 11341
repayments, interest or other financing charges, and other terms 11342
or agreements under which the loans were originally contracted, 11343
provided the loans received under sections 3313.483 of the Revised 11344
Code are repaid from funds the district would otherwise receive 11345
under sections 3317.022 to 3317.025 of the Revised Code, as 11346
required under division (E)(3) of section 3313.483 of the Revised 11347
Code. Securities issued for the purpose of restructuring or 11348
refinancing under this section shall be repaid in equal payments 11349
and at equal intervals over the term of the debt and are not 11350

eligible to be included in any subsequent proposal to restructure 11351
or refinance. 11352

(C) Unless the district is declared to be in a state of 11353
fiscal emergency under division (D) of section 3316.04 of the 11354
Revised Code, a school district shall remain in a state of fiscal 11355
watch for the duration of the repayment period of any loan 11356
restructured or refinanced under this section. 11357

Sec. 3316.06. (A) Within one hundred twenty days after the 11358
first meeting of a school district financial planning and 11359
supervision commission, the commission shall adopt a financial 11360
recovery plan regarding the school district for which the 11361
commission was created. During the formulation of the plan, the 11362
commission shall seek appropriate input from the school district 11363
board and from the community. This plan shall contain the 11364
following: 11365

(1) Actions to be taken to: 11366

(a) Eliminate all fiscal emergency conditions declared to 11367
exist pursuant to division (B) of section 3316.03 of the Revised 11368
Code; 11369

(b) Satisfy any judgments, past-due accounts payable, and all 11370
past-due and payable payroll and fringe benefits; 11371

(c) Eliminate the deficits in all deficit funds, except that 11372
any prior year deficits in the textbook and instructional 11373
materials fund established pursuant to section 3315.17 of the 11374
Revised Code and the capital and maintenance fund established 11375
pursuant to section 3315.18 of the Revised Code shall be forgiven; 11376

(d) Restore to special funds any moneys from such funds that 11377
were used for purposes not within the purposes of such funds, or 11378
borrowed from such funds by the purchase of debt obligations of 11379
the school district with the moneys of such funds, or missing from 11380

the special funds and not accounted for, if any; 11381

(e) Balance the budget, avoid future deficits in any funds, 11382
and maintain on a current basis payments of payroll, fringe 11383
benefits, and all accounts; 11384

(f) Avoid any fiscal emergency condition in the future; 11385

(g) Restore the ability of the school district to market 11386
long-term general obligation bonds under provisions of law 11387
applicable to school districts generally. 11388

(2) The management structure that will enable the school 11389
district to take the actions enumerated in division (A)(1) of this 11390
section. The plan shall specify the level of fiscal and management 11391
control that the commission will exercise within the school 11392
district during the period of fiscal emergency, and shall 11393
enumerate respectively, the powers and duties of the commission 11394
and the powers and duties of the school board during that period. 11395
The commission may elect to assume any of the powers and duties of 11396
the school board it considers necessary, including all powers 11397
related to personnel, curriculum, and legal issues in order to 11398
successfully implement the actions described in division (A)(1) of 11399
this section. 11400

(3) The target dates for the commencement, progress upon, and 11401
completion of the actions enumerated in division (A)(1) of this 11402
section and a reasonable period of time expected to be required to 11403
implement the plan. The commission shall prepare a reasonable time 11404
schedule for progress toward and achievement of the requirements 11405
for the plan, and the plan shall be consistent with that time 11406
schedule. 11407

(4) The amount and purpose of any issue of debt obligations 11408
that will be issued, together with assurances that any such debt 11409
obligations that will be issued will not exceed debt limits 11410
supported by appropriate certifications by the fiscal officer of 11411

the school district and the county auditor. Debt obligations 11412
issued pursuant to section 133.301 of the Revised Code shall 11413
include assurances that such debt shall be in an amount not to 11414
exceed the amount certified under division (B) of such section. If 11415
the commission considers it necessary in order to maintain or 11416
improve educational opportunities of pupils in the school 11417
district, the plan may include a proposal to restructure or 11418
refinance outstanding debt obligations incurred by the board under 11419
section 3313.483 of the Revised Code contingent upon the approval, 11420
during the period of the fiscal emergency, by district voters of a 11421
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 11422
5748.02, or 5748.08 of the Revised Code, that is not a renewal or 11423
replacement levy, or a levy under section 5705.199 of the Revised 11424
Code, and that will provide new operating revenue. Notwithstanding 11425
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 11426
the Revised Code, following the required approval of the district 11427
voters and with the approval of the commission, the school 11428
district may issue securities to evidence the restructuring or 11429
refinancing. Those securities may extend the original period for 11430
repayment, not to exceed ten years, and may alter the frequency 11431
and amount of repayments, interest or other financing charges, and 11432
other terms of agreements under which the debt originally was 11433
contracted, at the discretion of the commission, provided that any 11434
loans received pursuant to section 3313.483 of the Revised Code 11435
shall be paid from funds the district would otherwise receive 11436
under sections 3317.022 to 3317.025 of the Revised Code, as 11437
required under division (E)(3) of section 3313.483 of the Revised 11438
Code. The securities issued for the purpose of restructuring or 11439
refinancing the debt shall be repaid in equal payments and at 11440
equal intervals over the term of the debt and are not eligible to 11441
be included in any subsequent proposal for the purpose of 11442
restructuring or refinancing debt under this section. 11443

(B) Any financial recovery plan may be amended subsequent to 11444

its adoption. Each financial recovery plan shall be updated 11445
annually. 11446

(C) Each school district financial planning and supervision 11447
commission shall submit the financial recovery plan it adopts or 11448
updates under this section to the state superintendent of public 11449
instruction for approval immediately following its adoption or 11450
updating. The state superintendent shall evaluate the plan and 11451
either approve or disapprove it within thirty calendar days from 11452
the date of its submission. If the plan is disapproved, the state 11453
superintendent shall recommend modifications that will render it 11454
acceptable. No financial planning and supervision commission shall 11455
implement a financial recovery plan that is adopted or updated on 11456
or after April 10, 2001, unless the state superintendent has 11457
approved it. 11458

Sec. 3316.08. During a school district's fiscal emergency 11459
period, the auditor of state shall determine annually, or at any 11460
other time upon request of the financial planning and supervision 11461
commission, whether the school district will incur an operating 11462
deficit. If the auditor of state determines that a school district 11463
will incur an operating deficit, the auditor of state shall 11464
certify that determination to the superintendent of public 11465
instruction, the financial planning and supervision commission, 11466
and the board of education of the school district. Upon receiving 11467
the auditor of state's certification, the commission shall adopt a 11468
resolution requesting that the board of education work with the 11469
county auditor or tax commissioner to estimate the amount and rate 11470
of a tax levy that is needed under section 5705.194, 5709.199, or 11471
5705.21 or Chapter 5748. of the Revised Code to produce a positive 11472
fund balance not later than the fifth year of the five-year 11473
forecast submitted under section 5705.391 of the Revised Code. 11474

The board of education shall recommend to the commission 11475

whether the board supports or opposes a tax levy under section 11476
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 11477
Code and shall provide supporting documentation to the commission 11478
of its recommendation. 11479

After considering the board of education's recommendation and 11480
supporting documentation, the commission shall adopt a resolution 11481
to either submit a ballot question proposing a tax levy or not to 11482
submit such a question. 11483

Except as otherwise provided in this division, the tax shall 11484
be levied in the manner prescribed for a tax levied under section 11485
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 11486
Revised Code. If the commission decides that a tax should be 11487
levied, the tax shall be levied for the purpose of paying current 11488
operating expenses of the school district. The rate of a tax 11489
levied under section 5705.194, 5709.199, or 5705.21 of the Revised 11490
Code shall be determined by the county auditor, and the rate of a 11491
tax levied under section 5748.02 or 5748.08 of the Revised Code 11492
shall be determined by the tax commissioner, upon the request of 11493
the commission. The commission, in consultation with the board of 11494
education, shall determine the election at which the question of 11495
the tax shall appear on the ballot, and the commission shall 11496
submit a copy of its resolution to the board of elections not 11497
later than seventy-five days prior to the day of that election. 11498
The board of elections conducting the election shall certify the 11499
results of the election to the board of education and to the 11500
financial planning and supervision commission. 11501

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 11502
Revised Code, the amounts required to be paid to a district under 11503
this chapter shall be adjusted by the amount of the computations 11504
made under divisions (B) to ~~(P)~~(N) of this section. 11505

As used in this section: 11506

(1) "Classroom teacher" means a licensed employee who 11507
provides direct instruction to pupils, excluding teachers funded 11508
from money paid to the district from federal sources; educational 11509
service personnel; and vocational and special education teachers. 11510

(2) "Educational service personnel" shall not include such 11511
specialists funded from money paid to the district from federal 11512
sources or assigned full-time to vocational or special education 11513
students and classes and may only include those persons employed 11514
in the eight specialist areas in a pattern approved by the 11515
department of education under guidelines established by the state 11516
board of education. 11517

(3) "Annual salary" means the annual base salary stated in 11518
the state minimum salary schedule for the performance of the 11519
teacher's regular teaching duties that the teacher earns for 11520
services rendered for the first full week of October of the fiscal 11521
year for which the adjustment is made under division (C) of this 11522
section. It shall not include any salary payments for supplemental 11523
teachers contracts. 11524

(4) "Regular student population" means the formula ADM plus 11525
the number of students reported as enrolled in the district 11526
pursuant to division (A)(1) of section 3313.981 of the Revised 11527
Code; minus the number of students reported under division (A)(2) 11528
of section 3317.03 of the Revised Code; minus the FTE of students 11529
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 11530
of that section who are enrolled in a vocational education class 11531
or receiving special education; and minus twenty per cent of the 11532
students enrolled concurrently in a joint vocational school 11533
district. 11534

(5) "State share percentage" has the same meaning as in 11535
section 3317.022 of the Revised Code. 11536

(6) "VEPD" means a school district or group of school 11537

districts designated by the department of education as being 11538
responsible for the planning for and provision of vocational 11539
education services to students within the district or group. 11540

(7) "Lead district" means a school district, including a 11541
joint vocational school district, designated by the department as 11542
a VEPD, or designated to provide primary vocational education 11543
leadership within a VEPD composed of a group of districts. 11544

(B) If the district employs less than one full-time 11545
equivalent classroom teacher for each twenty-five pupils in the 11546
regular student population in any school district, deduct the sum 11547
of the amounts obtained from the following computations: 11548

(1) Divide the number of the district's full-time equivalent 11549
classroom teachers employed by one twenty-fifth; 11550

(2) Subtract the quotient in (1) from the district's regular 11551
student population; 11552

(3) Multiply the difference in (2) by seven hundred fifty-two 11553
dollars. 11554

(C) If a positive amount, add one-half of the amount obtained 11555
by multiplying the number of full-time equivalent classroom 11556
teachers by: 11557

(1) The mean annual salary of all full-time equivalent 11558
classroom teachers employed by the district at their respective 11559
training and experience levels minus; 11560

(2) The mean annual salary of all such teachers at their 11561
respective levels in all school districts receiving payments under 11562
this section. 11563

The number of full-time equivalent classroom teachers used in 11564
this computation shall not exceed one twenty-fifth of the 11565
district's regular student population. In calculating the 11566
district's mean salary under this division, those full-time 11567

equivalent classroom teachers with the highest training level 11568
shall be counted first, those with the next highest training level 11569
second, and so on, in descending order. Within the respective 11570
training levels, teachers with the highest years of service shall 11571
be counted first, the next highest years of service second, and so 11572
on, in descending order. 11573

(D) This division does not apply to a school district that 11574
has entered into an agreement under division (A) of section 11575
3313.42 of the Revised Code. Deduct the amount obtained from the 11576
following computations if the district employs fewer than five 11577
full-time equivalent educational service personnel, including 11578
elementary school art, music, and physical education teachers, 11579
counselors, librarians, visiting teachers, school social workers, 11580
and school nurses for each one thousand pupils in the regular 11581
student population: 11582

(1) Divide the number of full-time equivalent educational 11583
service personnel employed by the district by five 11584
one-thousandths; 11585

(2) Subtract the quotient in (1) from the district's regular 11586
student population; 11587

(3) Multiply the difference in (2) by ninety-four dollars. 11588

(E) If a local school district, or a city or exempted village 11589
school district to which a governing board of an educational 11590
service center provides services pursuant to section 3313.843 of 11591
the Revised Code, deduct the amount of the payment required for 11592
the reimbursement of the governing board under section 3317.11 of 11593
the Revised Code. 11594

(F)(1) If the district is required to pay to or entitled to 11595
receive tuition from another school district under division (C)(2) 11596
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 11597
or if the superintendent of public instruction is required to 11598

determine the correct amount of tuition and make a deduction or 11599
credit under section 3317.08 of the Revised Code, deduct and 11600
credit such amounts as provided in division (J) of section 3313.64 11601
or section 3317.08 of the Revised Code. 11602

(2) For each child for whom the district is responsible for 11603
tuition or payment under division (A)(1) of section 3317.082 or 11604
section 3323.091 of the Revised Code, deduct the amount of tuition 11605
or payment for which the district is responsible. 11606

(G) If the district has been certified by the superintendent 11607
of public instruction under section 3313.90 of the Revised Code as 11608
not in compliance with the requirements of that section, deduct an 11609
amount equal to ten per cent of the amount computed for the 11610
district under section 3317.022 of the Revised Code. 11611

(H) If the district has received a loan from a commercial 11612
lending institution for which payments are made by the 11613
superintendent of public instruction pursuant to division (E)(3) 11614
of section 3313.483 of the Revised Code, deduct an amount equal to 11615
such payments. 11616

(I)(1) If the district is a party to an agreement entered 11617
into under division (D), (E), or (F) of section 3311.06 or 11618
division (B) of section 3311.24 of the Revised Code and is 11619
obligated to make payments to another district under such an 11620
agreement, deduct an amount equal to such payments if the district 11621
school board notifies the department in writing that it wishes to 11622
have such payments deducted. 11623

(2) If the district is entitled to receive payments from 11624
another district that has notified the department to deduct such 11625
payments under division (I)(1) of this section, add the amount of 11626
such payments. 11627

(J) If the district is required to pay an amount of funds to 11628
a cooperative education district pursuant to a provision described 11629

by division (B)(4) of section 3311.52 or division (B)(8) of 11630
section 3311.521 of the Revised Code, deduct such amounts as 11631
provided under that provision and credit those amounts to the 11632
cooperative education district for payment to the district under 11633
division (B)(1) of section 3317.19 of the Revised Code. 11634

(K)(1) If a district is educating a student entitled to 11635
attend school in another district pursuant to a shared education 11636
contract, compact, or cooperative education agreement other than 11637
an agreement entered into pursuant to section 3313.842 of the 11638
Revised Code, credit to that educating district on an FTE basis 11639
both of the following: 11640

(a) An amount equal to the sum of the formula amount plus the 11641
per pupil amount of the base funding supplements specified in 11642
divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 11643

(b) An amount equal to the current formula amount times the 11644
state share percentage times any multiple applicable to the 11645
student pursuant to section 3317.013 or 3317.014 of the Revised 11646
Code. 11647

(2) Deduct any amount credited pursuant to division (K)(1) of 11648
this section from amounts paid to the school district in which the 11649
student is entitled to attend school pursuant to section 3313.64 11650
or 3313.65 of the Revised Code. 11651

(3) If the district is required by a shared education 11652
contract, compact, or cooperative education agreement to make 11653
payments to an educational service center, deduct the amounts from 11654
payments to the district and add them to the amounts paid to the 11655
service center pursuant to section 3317.11 of the Revised Code. 11656

(L)(1) If a district, including a joint vocational school 11657
district, is a lead district of a VEPD, credit to that district 11658
the amounts calculated for all the school districts within that 11659
VEPD pursuant to division (E)(2) of section 3317.022 of the 11660

Revised Code. 11661

(2) Deduct from each appropriate district that is not a lead 11662
district, the amount attributable to that district that is 11663
credited to a lead district under division (L)(1) of this section. 11664

(M) If the department pays a joint vocational school district 11665
under division (G)(4) of section 3317.16 of the Revised Code for 11666
excess costs of providing special education and related services 11667
to a student with a disability, as calculated under division 11668
(G)(2) of that section, the department shall deduct the amount of 11669
that payment from the city, local, or exempted village school 11670
district that is responsible as specified in that section for the 11671
excess costs. 11672

(N)(1) If the district reports an amount of excess cost for 11673
special education services for a child under division (C) of 11674
section 3323.14 of the Revised Code, the department shall pay that 11675
amount to the district. 11676

(2) If the district reports an amount of excess cost for 11677
special education services for a child under division (C) of 11678
section 3323.14 of the Revised Code, the department shall deduct 11679
that amount from the district of residence of that child. 11680

~~(O) If the department of job and family services presents to 11681
the department of education a payment request through an 11682
intrastate transfer voucher for the nonfederal share of 11683
reimbursements made to a school district for medicaid services 11684
provided by the district, the department of education shall pay 11685
the amount of that request to the department of job and family 11686
services and shall deduct the amount of that payment from the 11687
district. 11688~~

~~(P) If the department is required to pay an amount under 11689
section 3353.25 of the Revised Code to a school district 11690
delivering a course included in the clearinghouse established 11691~~

~~under section 3353.21 of the Revised Code for a student enrolled 11692
in a school district, the department shall deduct that amount from 11693
the school district in which the student is enrolled. 11694~~

Sec. 3317.11. (A) As used in this section: 11695

(1) "Client school district" means a city or exempted village 11696
school district that has entered into an agreement under section 11697
3313.843 of the Revised Code to receive any services from an 11698
educational service center. 11699

(2) "Service center ADM" means the sum of the total student 11700
counts of all local school districts within an educational service 11701
center's territory and all of the service center's client school 11702
districts. 11703

(3) "STEM school" means a science, technology, engineering, 11704
and mathematics school established under Chapter 3326. of the 11705
Revised Code. 11706

(4) "Total student count" has the same meaning as in section 11707
3301.011 of the Revised Code. 11708

(B)(1) The governing board of each educational service center 11709
shall provide supervisory services to each local school district 11710
within the service center's territory. Each city or exempted 11711
village school district that enters into an agreement under 11712
section 3313.843 of the Revised Code for a governing board to 11713
provide any services also is considered to be provided supervisory 11714
services by the governing board. Except as provided in division 11715
(B)(2) of this section, the supervisory services shall not exceed 11716
one supervisory teacher for the first fifty classroom teachers 11717
required to be employed in the districts, as calculated under 11718
section 3317.023 of the Revised Code, and one for each additional 11719
one hundred required classroom teachers, as so calculated. 11720

The supervisory services shall be financed annually through 11721

supervisory units. Except as provided in division (B)(2) of this 11722
section, the number of supervisory units assigned to each district 11723
shall not exceed one unit for the first fifty classroom teachers 11724
required to be employed in the district, as calculated under 11725
section 3317.023 of the Revised Code, and one for each additional 11726
one hundred required classroom teachers, as so calculated. The 11727
cost of each supervisory unit shall be the sum of: 11728

(a) The minimum salary prescribed by section 3317.13 of the 11729
Revised Code for the licensed supervisory employee of the 11730
governing board; 11731

(b) An amount equal to fifteen per cent of the salary 11732
prescribed by section 3317.13 of the Revised Code; 11733

(c) An allowance for necessary travel expenses, limited to 11734
the lesser of two hundred twenty-three dollars and sixteen cents 11735
per month or two thousand six hundred seventy-eight dollars per 11736
year. 11737

(2) If a majority of the boards of education, or 11738
superintendents acting on behalf of the boards, of the local and 11739
client school districts receiving services from the educational 11740
service center agree to receive additional supervisory services 11741
and to pay the cost of a corresponding number of supervisory units 11742
in excess of the services and units specified in division (B)(1) 11743
of this section, the service center shall provide the additional 11744
services as agreed to by the majority of districts to, and the 11745
department of education shall apportion the cost of the 11746
corresponding number of additional supervisory units pursuant to 11747
division (B)(3) of this section among, all of the service center's 11748
local and client school districts. 11749

(3) The department shall apportion the total cost for all 11750
supervisory units among the service center's local and client 11751
school districts based on each district's total student count. The 11752

department shall deduct each district's apportioned share pursuant 11753
to division (E) of section 3317.023 of the Revised Code and pay 11754
the apportioned share to the service center. 11755

(C) The department annually shall deduct from each local and 11756
client school district of each educational service center, 11757
pursuant to division (E) of section 3317.023 of the Revised Code, 11758
and pay to the service center an amount equal to six dollars and 11759
fifty cents times the school district's total student count. The 11760
board of education, or the superintendent acting on behalf of the 11761
board, of any local or client school district may agree to pay an 11762
amount in excess of six dollars and fifty cents per student in 11763
total student count. If a majority of the boards of education, or 11764
superintendents acting on behalf of the boards, of the local 11765
school districts within a service center's territory approve an 11766
amount in excess of six dollars and fifty cents per student in 11767
total student count, the department shall deduct the approved 11768
excess per student amount from all of the local school districts 11769
within the service center's territory and pay the excess amount to 11770
the service center. 11771

(D) The department shall pay each educational service center 11772
the amounts due to it from school districts pursuant to contracts, 11773
compacts, or agreements under which the service center furnishes 11774
services to the districts or their students. In order to receive 11775
payment under this division, an educational service center shall 11776
furnish either a copy of the contract, compact, or agreement 11777
clearly indicating the amounts of the payments, or a written 11778
statement that clearly indicates the payments owed and is signed 11779
by the superintendent or treasurer of the responsible school 11780
district. The amounts paid to service centers under this division 11781
shall be deducted from payments to school districts pursuant to 11782
division (K)(3) of section 3317.023 of the Revised Code. 11783

(E) Each school district's deduction under this section and 11784

divisions (E) and (K)(3) of section 3317.023 of the Revised Code 11785
shall be made from the total payment computed for the district 11786
under this chapter, after making any other adjustments in that 11787
payment required by law. 11788

(F)(1) Except as provided in division (F)(2) of this section, 11789
the department annually shall pay the governing board of each 11790
educational service center state funds equal to thirty-seven 11791
dollars times its service center ADM. 11792

(2) The department annually shall pay state funds equal to 11793
forty dollars and fifty-two cents times the service center ADM to 11794
each educational service center comprising territory that was 11795
included in the territory of at least three former service centers 11796
or county school districts, which former centers or districts 11797
engaged in one or more mergers under section 3311.053 of the 11798
Revised Code to form the present center. 11799

(G) Each city, exempted village, local, joint vocational, or 11800
cooperative education school district shall pay to the governing 11801
board of an educational service center any amounts agreed to for 11802
each child enrolled in the district who receives special education 11803
and related services or career-technical education from the 11804
educational service center, unless these educational services are 11805
provided pursuant to a contract, compact, or agreement for which 11806
the department deducts and transfers payments under division (D) 11807
of this section and division (K)(3) of section 3317.023 of the 11808
Revised Code. 11809

(H) The department annually shall pay the governing board of 11810
each educational service center that has entered into a contract 11811
with a STEM school for the provision of services described in 11812
division (B) of section 3326.45 of the Revised Code state funds 11813
equal to the per-pupil amount specified in the contract for the 11814
provision of those services times the number of students enrolled 11815
in the STEM school. 11816

(I) An educational service center:	11817
(1) May provide special education and career-technical education to students in its local or client school districts;	11818 11819
(2) Is eligible for transportation funding under division (G) of section 3317.024 of the Revised Code and for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code;	11820 11821 11822 11823
(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts;	11824 11825 11826
(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code.	11827 11828
Sec. 3317.20. This section does not apply to preschool children with disabilities.	11829 11830
(A) As used in this section:	11831
(1) "Applicable weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.	11832 11833 11834
(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	11835 11836 11837
(3) "State share percentage" means the state share percentage of the child's school district as defined in section 3317.022 of the Revised Code.	11838 11839 11840
(B) Except as provided in division (C) of this section, the department shall annually pay each county MR/DD board for each child with a disability, other than a preschool child with a disability, for whom the county MR/DD board provides special education and related services an amount equal to the formula	11841 11842 11843 11844 11845

amount + (state share percentage X formula amount X the applicable weight). 11846
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(C) If any school district places with a county MR/DD board more children with disabilities than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998. 11848
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(D) The department shall calculate for each county MR/DD board receiving payments under divisions (B) and (C) of this section the following amounts: 11858
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(1) The amount received by the county MR/DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year; 11861
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(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section. 11866
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If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section. 11869
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(E) Each county MR/DD board shall report to the department, in the manner specified by the department, the name of each child 11875
11876

for whom the county MR/DD board provides special education and 11877
related services and the child's school district. 11878

(F)(1) For the purpose of verifying the accuracy of the 11879
payments under this section, the department may request from 11880
either of the following entities the data verification code 11881
assigned under division (D)(2) of section 3301.0714 of the Revised 11882
Code to any child who is placed with a county MR/DD board: 11883

(a) The child's school district; 11884

(b) The independent contractor engaged to create and maintain 11885
data verification codes. 11886

(2) Upon a request by the department under division (F)(1) of 11887
this section for the data verification code of a child, the 11888
child's school district shall submit that code to the department 11889
in the manner specified by the department. If the child has not 11890
been assigned a code, the district shall assign a code to that 11891
child and submit the code to the department by a date specified by 11892
the department. If the district does not assign a code to the 11893
child by the specified date, the department shall assign a code to 11894
the child. 11895

The department annually shall submit to each school district 11896
the name and data verification code of each child residing in the 11897
district for whom the department has assigned a code under this 11898
division. 11899

(3) The department shall not release any data verification 11900
code that it receives under division (F) of this section to any 11901
person except as provided by law. 11902

(G) Any document relative to special education and related 11903
services provided by a county MR/DD board that the department 11904
holds in its files that contains both a student's name or other 11905
personally identifiable information and the student's data 11906
verification code shall not be a public record under section 11907

149.43 of the Revised Code. 11908

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 11909
Revised Code: 11910

(A) "Ohio school facilities commission" means the commission 11911
created pursuant to section 3318.30 of the Revised Code. 11912

(B) "Classroom facilities" means rooms in which pupils 11913
regularly assemble in public school buildings to receive 11914
instruction and education and such facilities and building 11915
improvements for the operation and use of such rooms as may be 11916
needed in order to provide a complete educational program, and may 11917
include space within which a child care facility or a community 11918
resource center is housed. "Classroom facilities" includes any 11919
space necessary for the operation of a vocational education 11920
program for secondary students in any school district that 11921
operates such a program. 11922

(C) "Project" means a project to construct or acquire 11923
classroom facilities, or to reconstruct or make additions to 11924
existing classroom facilities, to be used for housing the 11925
applicable school district and its functions. 11926

For a district that opts to divide its entire classroom 11927
facilities needs into segments to be completed separately, as 11928
authorized by section 3318.034 of the Revised Code, "project" 11929
means a segment. 11930

(D) "School district" means a local, exempted village, or 11931
city school district as such districts are defined in Chapter 11932
3311. of the Revised Code, acting as an agency of state 11933
government, performing essential governmental functions of state 11934
government pursuant to sections 3318.01 to 3318.20 of the Revised 11935
Code. 11936

For purposes of assistance provided under sections 3318.40 to 11937

3318.45 of the Revised Code, the term "school district" as used in 11938
this section and in divisions (A), (C), and (D) of section 3318.03 11939
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 11940
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 11941
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 11942
Code means a joint vocational school district established pursuant 11943
to section 3311.18 of the Revised Code. 11944

(E) "School district board" means the board of education of a 11945
school district. 11946

(F) "Net bonded indebtedness" means the difference between 11947
the sum of the par value of all outstanding and unpaid bonds and 11948
notes which a school district board is obligated to pay and any 11949
amounts the school district is obligated to pay under 11950
lease-purchase agreements entered into under section 3313.375 of 11951
the Revised Code, and the amount held in the sinking fund and 11952
other indebtedness retirement funds for their redemption. Notes 11953
issued for school buses in accordance with section 3327.08 of the 11954
Revised Code, notes issued in anticipation of the collection of 11955
current revenues, and bonds issued to pay final judgments shall 11956
not be considered in calculating the net bonded indebtedness. 11957

"Net bonded indebtedness" does not include indebtedness 11958
arising from the acquisition of land to provide a site for 11959
classroom facilities constructed, acquired, or added to pursuant 11960
to sections 3318.01 to 3318.20 of the Revised Code or the par 11961
value of bonds that have been authorized by the electors and the 11962
proceeds of which will be used by the district to provide any part 11963
of its portion of the basic project cost. 11964

(G) "Board of elections" means the board of elections of the 11965
county containing the most populous portion of the school 11966
district. 11967

(H) "County auditor" means the auditor of the county in which 11968

the greatest value of taxable property of such school district is 11969
located. 11970

(I) "Tax duplicates" means the general tax lists and 11971
duplicates prescribed by sections 319.28 and 319.29 of the Revised 11972
Code. 11973

(J) "Required level of indebtedness" means: 11974

(1) In the case of school districts in the first percentile, 11975
five per cent of the district's valuation for the year preceding 11976
the year in which the controlling board approved the project under 11977
section 3318.04 of the Revised Code. 11978

(2) In the case of school districts ranked in a subsequent 11979
percentile, five per cent of the district's valuation for the year 11980
preceding the year in which the controlling board approved the 11981
project under section 3318.04 of the Revised Code, plus [two 11982
one-hundredths of one per cent multiplied by (the percentile in 11983
which the district ranks for the fiscal year preceding the fiscal 11984
year in which the controlling board approved the district's 11985
project minus one)]. 11986

(K) "Required percentage of the basic project costs" means 11987
one per cent of the basic project costs times the percentile in 11988
which the school district ranks for the fiscal year preceding the 11989
fiscal year in which the controlling board approved the district's 11990
project. 11991

(L) "Basic project cost" means a cost amount determined in 11992
accordance with rules adopted under section 111.15 of the Revised 11993
Code by the Ohio school facilities commission. The basic project 11994
cost calculation shall take into consideration the square footage 11995
and cost per square foot necessary for the grade levels to be 11996
housed in the classroom facilities, the variation across the state 11997
in construction and related costs, the cost of the installation of 11998
site utilities and site preparation, the cost of demolition of all 11999

or part of any existing classroom facilities that are abandoned 12000
under the project, the cost of insuring the project until it is 12001
completed, any contingency reserve amount prescribed by the 12002
commission under section 3318.086 of the Revised Code, and the 12003
professional planning, administration, and design fees that a 12004
school district may have to pay to undertake a classroom 12005
facilities project. 12006

For a joint vocational school district that receives 12007
assistance under sections 3318.40 to 3318.45 of the Revised Code, 12008
the basic project cost calculation for a project under those 12009
sections shall also take into account the types of laboratory 12010
spaces and program square footages needed for the vocational 12011
education programs for high school students offered by the school 12012
district. 12013

For a district that opts to divide its entire classroom 12014
facilities needs into segments, each segment to be completed as a 12015
separate project, as authorized by section 3318.034 of the Revised 12016
Code, "basic project cost" means the cost determined in accordance 12017
with this division of a segment. 12018

(M)(1) Except for a joint vocational school district that 12019
receives assistance under sections 3318.40 to 3318.45 of the 12020
Revised Code, a "school district's portion of the basic project 12021
cost" means the amount determined under section 3318.032 of the 12022
Revised Code. 12023

(2) For a joint vocational school district that receives 12024
assistance under sections 3318.40 to 3318.45 of the Revised Code, 12025
a "school district's portion of the basic project cost" means the 12026
amount determined under division (C) of section 3318.42 of the 12027
Revised Code. 12028

(N) "Child care facility" means space within a classroom 12029
facility in which the needs of infants, toddlers, preschool 12030

children, and school children are provided for by persons other 12031
than the parent or guardian of such children for any part of the 12032
day, including persons not employed by the school district 12033
operating such classroom facility. 12034

(O) "Community resource center" means space within a 12035
classroom facility in which comprehensive services that support 12036
the needs of families and children are provided by community-based 12037
social service providers. 12038

(P) "Valuation" means the total value of all property in the 12039
school district as listed and assessed for taxation on the tax 12040
duplicates. 12041

(Q) "Percentile" means the percentile in which the school 12042
district is ranked pursuant to section 3318.011 of the Revised 12043
Code. 12044

(R) "Installation of site utilities" means the installation 12045
of a site domestic water system, site fire protection system, site 12046
gas distribution system, site sanitary system, site storm drainage 12047
system, and site telephone and data system. 12048

(S) "Site preparation" means the earthwork necessary for 12049
preparation of the building foundation system, the paved 12050
pedestrian and vehicular circulation system, playgrounds on the 12051
project site, and lawn and planting on the project site. 12052

Sec. 3318.03. (A) Before conducting an on-site evaluation of 12053
a school district under section 3318.02 of the Revised Code, at 12054
the request of the district board of education, the Ohio school 12055
facilities commission shall examine any classroom facilities needs 12056
assessment that has been conducted by the district and any master 12057
plan developed for meeting the facility needs of the district. 12058

(B) Upon conducting the on-site evaluation under section 12059
3318.02 of the Revised Code, the Ohio school facilities commission 12060

shall make a determination of all of the following: 12061

(1) The needs of the school district for additional classroom 12062
facilities; 12063

(2) The number of classroom facilities to be included in a 12064
project and the basic project cost of constructing, acquiring, 12065
reconstructing, or making additions to each such facility; 12066

(3) The amount of such cost that the school district can 12067
supply from available funds, by the issuance of bonds previously 12068
authorized by the electors of the school district the proceeds of 12069
which can lawfully be used for the project and by the issuance of 12070
bonds under section 3318.05 of the Revised Code; 12071

(4) The remaining amount of such cost that shall be supplied 12072
by the state; 12073

(5) The amount of the state's portion to be encumbered in 12074
accordance with section 3318.11 of the Revised Code in the current 12075
and subsequent fiscal years from funds appropriated for purposes 12076
of sections 3318.01 to 3318.20 of the Revised Code. 12077

For a district that opts to divide its entire classroom 12078
facilities needs into segments to be completed separately, as 12079
authorized by section 3318.034 of the Revised Code, the 12080
determinations made under divisions (B)(1) to (5) of this section 12081
apply only to the segment that currently is proceeding as a 12082
separate project in accordance with section 3318.034 of the 12083
Revised Code. 12084

(C) The commission shall make a determination in favor of 12085
constructing, acquiring, reconstructing, or making additions to a 12086
classroom facility only upon evidence that the proposed project 12087
conforms to sound educational practice, that it is in keeping with 12088
the orderly process of school district reorganization and 12089
consolidation, and that the actual or projected enrollment in each 12090
classroom facility proposed to be included in the project is at 12091

least three hundred fifty pupils. Exceptions shall be authorized 12092
only in those districts where topography, sparsity of population, 12093
and other factors make larger schools impracticable. 12094

If the school district board determines that an existing 12095
facility has historical value or for other good cause determines 12096
that an existing facility should be renovated in lieu of acquiring 12097
a comparable facility by new construction, the commission may 12098
approve the expenditure of project funds for the renovation of 12099
that facility up to but not exceeding one hundred per cent of the 12100
estimated cost of acquiring a comparable facility by new 12101
construction, as long as the commission determines that the 12102
facility when renovated can be operationally efficient, will be 12103
adequate for the future needs of the district, and will comply 12104
with the other provisions of this division. 12105

(D) Sections 125.81 and 153.04 of the Revised Code shall not 12106
apply to classroom facilities constructed under either sections 12107
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 12108
Code. 12109

Sec. 3318.032. (A) The Except as otherwise provided in 12110
divisions (C) and (D) of this section, the portion of the basic 12111
project cost supplied by the school district shall be the greater 12112
of: 12113

(1) The required percentage of the basic project costs; 12114

(2) An (a) For all districts except a district that opts to 12115
divide its entire classroom facilities needs into segments to be 12116
completed separately as authorized by section 3318.034 of the 12117
Revised Code, an amount necessary to raise the school district's 12118
net bonded indebtedness, as of the date the controlling board 12119
approved the project, to within five thousand dollars of the 12120
required level of indebtedness-; 12121

(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the segment as a separate project, to within five thousand dollars of the following:

The required level of indebtedness X (the basic project cost of the segment as approved as a separate project by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio school facilities commission and the district)

(B) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the one-year period permitted under section 3318.05 of the Revised Code for the district's electors to approve the propositions described in that section. If the amount reserved and encumbered for a project is released because the electors do not approve those propositions within that year, and the school district later receives the controlling board's approval for the project, the district's portion shall be recalculated in accordance with this section as of the date of the controlling board's subsequent approval.

~~(C) Notwithstanding anything to the contrary in division (A) or (B) of this section, at~~ At no time shall a school district's portion of the basic project cost be greater than ninety-five per cent of the total basic project cost.

(D) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections

or section 3318.37 of the Revised Code within the twenty-year 12154
period prior to the date on which the controlling board approves 12155
the new project, the district's portion of the basic project cost 12156
for the new project shall be the lesser of the following: 12157

(1) The portion calculated under division (A) of this 12158
section; 12159

(2) The greater of the following: 12160

(a) The required percentage of the basic project costs for 12161
the new project; 12162

(b) The percentage of the basic project cost paid by the 12163
district for the previous project. 12164

Sec. 3318.033. (A) As used in this section: 12165

(1) "Formula ADM" has the same meaning as in section 3317.02 12166
of the Revised Code. 12167

(2) "Open enrollment net gain" has the same meaning as in 12168
section 3318.011 of the Revised Code. 12169

(B) This section applies to each school district that meets 12170
the following criteria: 12171

(1) The Ohio school facilities commission certified its 12172
conditional approval of the district's project under sections 12173
3318.01 to 3318.20 of the Revised Code after July 1, 2006, and 12174
prior to September 29, 2007, and the project had not been 12175
completed as of September 29, 2007. 12176

(2) Within one year after the date of the commission's 12177
certification of its conditional approval, the district's electors 12178
approved a bond issue to pay the district's portion of the basic 12179
project cost or the district board of education complied with 12180
section 3318.052 of the Revised Code. 12181

(3) In the fiscal year prior to the fiscal year in which the 12182

district's project was conditionally approved, the district had an 12183
open enrollment net gain that was ten per cent or more of its 12184
formula ADM. 12185

(C) For each school district to which this section applies, 12186
the department of education shall recalculate the district's 12187
percentile ranking under section 3318.011 of the Revised Code for 12188
the fiscal year prior to the fiscal year in which the district's 12189
project was conditionally approved and shall report the 12190
recalculated percentile ranking to the commission. For this 12191
purpose, the department shall recalculate every school district's 12192
percentile ranking for that fiscal year using the district's 12193
"valuation per pupil" as that term is defined in section 3318.011 12194
of the Revised Code on and after September 29, 2007. 12195

(D) For each school district to which this section applies, 12196
the commission shall use the recalculated percentile ranking 12197
reported under division (C) of this section to determine the 12198
district's portion of the basic project cost under section 12199
3318.032 of the Revised Code. The commission shall not use the 12200
recalculated percentile ranking for any other purpose, and the 12201
recalculated ranking shall not affect any other district's portion 12202
of the basic project cost under section 3318.032 of the Revised 12203
Code or any district's eligibility for assistance under sections 12204
3318.01 to 3318.20 of the Revised Code. The commission shall 12205
revise the agreement entered into under section 3318.08 of the 12206
Revised Code to reflect the district's new portion of the basic 12207
project cost as determined under this division. 12208

Sec. 3318.034. (A) This section applies to any school 12209
district that is offered assistance under sections 3318.01 to 12210
3318.20 of the Revised Code on or after the effective date of this 12211
section. 12212

Notwithstanding any provision of this chapter to the 12213

contrary, with the approval of the Ohio school facilities 12214
commission, any school district to which this section applies may 12215
opt to divide the district's entire classroom facilities needs, as 12216
those needs are jointly determined by the staff of the commission 12217
and the school district, into discrete segments and may proceed 12218
with each segment sequentially as a separate project under those 12219
sections. That project shall comply with all of the provisions of 12220
those sections unless otherwise provided in this section. 12221

(B) Each segment shall comply with all of the following: 12222

(1) The segment shall consist of the new construction of one 12223
or more entire buildings or the complete renovation of one or more 12224
entire existing buildings, with any necessary additions to that 12225
building. 12226

(2) The segment shall not include any construction of or 12227
renovation or repair to any building that does not complete the 12228
needs of the district with respect to that particular building at 12229
the time the segment is completed. 12230

(3) The segment shall consist of new construction, 12231
renovations, additions, reconstruction, or repair of classroom 12232
facilities to the extent that the school district portion, as 12233
determined under section 3318.032 of the Revised Code, is an 12234
amount not less than the amount that likely would be generated 12235
from a property tax of three mills times the district's valuation 12236
for twenty-three years, unless the district previously has 12237
undertaken a segment as a separate project under this section and 12238
the district's portion of the estimated basic project cost of the 12239
remainder of its entire classroom facilities needs, as determined 12240
jointly by the staff of the commission and the district, is less 12241
than the amount otherwise required by this division. 12242

(C) The commission shall conditionally approve and seek 12243
controlling board approval in accordance with division (A) of 12244

section 3318.04 of the Revised Code of each segment, at the time 12245
it is proposed, as a separate project. Approval by the voting 12246
members of the commission or the controlling board of the 12247
district's entire classroom facilities needs, as determined 12248
jointly by the staff of the commission and district, shall not be 12249
required. If the commission conditionally approves and the 12250
controlling board approves the segment as a separate project, the 12251
district board accepts that approval pursuant to section 3318.05 12252
of the Revised Code, and the district electors approve any bond 12253
issuance and taxes necessary to pay the district's portion of the 12254
basic project cost or the district board otherwise raises 12255
sufficient funds, as authorized by this chapter, to pay the 12256
district's portion of the basic project cost, the commission shall 12257
enter into an agreement with the district board under section 12258
3318.08 of the Revised Code for the segment as a separate project. 12259
That agreement shall include an acknowledgment that the project 12260
covered by the agreement is only one segment of the district's 12261
entire classroom facilities needs, as determined jointly by the 12262
staff of the commission and the district, and that the district 12263
may proceed with future segments under this section at a later 12264
time, as prescribed in division (D) of this section. The 12265
commission and the district board shall enter into a separate 12266
agreement under section 3318.08 of the Revised Code for each 12267
segment. 12268

(D) A school district that undertakes a segment of its entire 12269
classroom facilities needs, as determined jointly by the staff of 12270
the commission and the district, as a separate project may 12271
undertake a subsequent segment as another separate project at any 12272
time, as long as the current percentile of the district is 12273
eligible for assistance under section 3318.02 of the Revised Code. 12274

(E) The school district portion of the basic project cost of 12275
each segment undertaken as a separate project under this section 12276

shall be determined under section 3318.032 of the Revised Code 12277
using the district's current percentile. 12278

(F) The school district's maintenance levy requirement, as 12279
defined in section 3318.18 of the Revised Code, shall run for 12280
twenty-three years from the date the first segment is undertaken. 12281

Sec. 3318.04. (A) If the Ohio school facilities commission 12282
makes a determination under section 3318.03 of the Revised Code in 12283
favor of constructing, acquiring, reconstructing, or making 12284
additions to a classroom facility, the project shall be 12285
conditionally approved. Such conditional approval shall be 12286
submitted to the controlling board for approval thereof. The 12287
controlling board shall forthwith approve or reject the 12288
commission's determination, conditional approval, the amount of 12289
the state's portion of the basic project cost, and, the amount of 12290
the state's portion to be encumbered in the current fiscal year. 12291
In the event of approval thereof by the controlling board, the 12292
commission shall certify such conditional approval to the school 12293
district board and shall encumber from the total funds 12294
appropriated for the purpose of sections 3318.01 to 3318.20 of the 12295
Revised Code the amount approved under this section to be 12296
encumbered in the current fiscal year. 12297

The basic project cost for a project approved under this 12298
section shall not exceed the cost that would otherwise have to be 12299
incurred if the classroom facilities to be constructed, acquired, 12300
or reconstructed, or the additions to be made to classroom 12301
facilities, under such project meet, but do not exceed, the 12302
specifications for plans and materials for classroom facilities 12303
adopted by the commission. 12304

(B)(1) No school district shall have a project conditionally 12305
approved pursuant to this section if the school district has 12306
already received any assistance for a project funded under any 12307

version of sections 3318.01 to 3318.20 of the Revised Code, and 12308
the prior project was one for which the electors of such district 12309
approved a levy within the last twenty years pursuant to any 12310
version of section 3318.06 of the Revised Code for purposes of 12311
qualifying for the funding of that project, unless the district 12312
demonstrates to the satisfaction of the commission that the 12313
district has experienced since approval of its prior project an 12314
exceptional increase in enrollment significantly above the 12315
district's design capacity under that prior project as determined 12316
by rule of the commission. 12317

(2) Notwithstanding division (B)(1) of this section, any 12318
school district that received assistance under sections 3318.01 to 12319
3318.20 of the Revised Code, as those sections existed prior to 12320
May 20, 1997, may receive additional assistance under those 12321
sections, as they exist on and after May 20, 1997, prior to the 12322
expiration of the period of time required under division (B)(1) of 12323
this section, if the percentile in which the school district is 12324
located, as determined under section 3318.011 of the Revised Code, 12325
is eligible for assistance as prescribed in section 3318.02 of the 12326
Revised Code. 12327

The commission may provide assistance under sections 3318.01 12328
to 3318.20 of the Revised Code pursuant to this division to no 12329
more than five school districts per fiscal year until all eligible 12330
school districts have received the additional assistance 12331
authorized under this division. The commission shall establish 12332
application procedures, deadlines, and priorities for funding 12333
projects under this division. 12334

The commission at its discretion may waive current design 12335
specifications it has adopted for projects under sections 3318.01 12336
to 3318.20 of the Revised Code when assessing an application for 12337
additional assistance under this division for the renovation of 12338
classroom facilities constructed or renovated under a school 12339

district's previous project. If the commission finds that a school 12340
district's existing classroom facilities are adequate to meet all 12341
of the school district's needs, the commission may determine that 12342
no additional state assistance be awarded to a school district 12343
under this division. 12344

In order for a school district to be eligible to receive any 12345
additional assistance under this division, the school district 12346
electors shall extend the school district's existing levy 12347
dedicated for maintenance of classroom facilities under Chapter 12348
3318. of the Revised Code, pursuant to section 3318.061 of the 12349
Revised Code or shall provide equivalent alternative maintenance 12350
funds as specified in division (A)(2) of section 3318.06 of the 12351
Revised Code. 12352

(3) Notwithstanding division (B)(1) of this section, any 12353
school district that has received assistance under sections 12354
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 12355
receive additional assistance if the commission decides in favor 12356
of providing such assistance pursuant to section 3318.042 of the 12357
Revised Code. 12358

(4) Notwithstanding division (B)(1) of this section, any 12359
school district that has opted to divide its entire classroom 12360
facilities needs into segments to be completed separately, as 12361
authorized by section 3318.034 of the Revised Code, and that has 12362
received assistance under sections 3318.01 to 3318.20 of the 12363
Revised Code for one of those segments may receive assistance 12364
under those sections for a subsequent segment. Assistance for any 12365
subsequent segment shall not include any additional work on a 12366
building included in a prior segment unless the district 12367
demonstrates to the satisfaction of the commission that the 12368
district has experienced since the completion of the prior segment 12369
an exceptional increase in enrollment in the grade levels housed 12370
in that building. 12371

Sec. 3319.291. (A) The state board of education shall require 12372
each of the following persons, at the times prescribed by division 12373
(A) of this section, to submit two complete sets of fingerprints 12374
and written permission that authorizes the superintendent of 12375
public instruction to forward the fingerprints to the bureau of 12376
criminal identification and investigation pursuant to division (F) 12377
of section 109.57 of the Revised Code and that authorizes that 12378
bureau to forward the fingerprints to the federal bureau of 12379
investigation for purposes of obtaining any criminal records that 12380
the federal bureau maintains on the person: 12381

(1) Any person initially applying for any certificate, 12382
license, or permit described in this chapter or in division (B) of 12383
section 3301.071 or in section 3301.074 of the Revised Code at the 12384
time that application is made; 12385

(2) Any person applying for renewal of any certificate, 12386
license, or permit described in division (A)(1) of this section at 12387
the time that application is made; 12388

(3) Any person who is teaching under a professional teaching 12389
certificate issued under former section 3319.22 or under section 12390
3319.222 of the Revised Code upon a date prescribed by the state 12391
board that is not later than five years after the date that the 12392
certificate was issued or renewed; 12393

(4) Any person who is teaching under a permanent teaching 12394
certificate issued under former section 3319.22 or under section 12395
3319.222 of the Revised Code upon a date prescribed by the state 12396
board and every five years thereafter. 12397

(B) Except as provided in division (C) of this section, prior 12398
to issuing or renewing any certificate, license, or permit 12399
described in division (A)(1) or (2) of this section and in the 12400
case of a person required to submit fingerprints and written 12401
permission under division (A)(3) or (4) of this section, the state 12402

board or the superintendent of public instruction shall request 12403
the superintendent of the bureau of criminal identification and 12404
investigation to investigate and determine whether the bureau has 12405
any information, gathered pursuant to division (A) of section 12406
109.57 of the Revised Code, pertaining to any person submitting 12407
fingerprints and written permission under this section and to 12408
obtain any criminal records that the federal bureau of 12409
investigation has on the person. 12410

(C) The state board or the superintendent of public 12411
instruction may choose not to request any information required by 12412
division (B) of this section if the person applying for the 12413
issuance or renewal of a certificate, license, or permit described 12414
in division (A)(1) or (2) of this section or the person required 12415
to submit fingerprints and written permission under division 12416
(A)(3) or (4) of this section provides proof that a criminal 12417
records check was conducted on the person as a condition of 12418
employment pursuant to section 3319.39 of the Revised Code within 12419
the immediately preceding year. The state board or the 12420
superintendent of public instruction may accept a certified copy 12421
of records that were issued by the bureau of criminal 12422
identification and investigation and that are presented by a 12423
person applying for the issuance or renewal of a certificate, 12424
license, or permit described in this section in lieu of requesting 12425
that information under division (B) of this section if the records 12426
were issued by the bureau within the immediately preceding year. 12427

(D) Notwithstanding divisions (A) and (B) of this section, if 12428
a person holds more than one certificate, license, or permit 12429
described in division (A)(1) of this section, the following shall 12430
apply: 12431

(1) If the certificates, licenses, or permits are of 12432
different durations, the person shall be subject to divisions 12433
(A)(2) and (B) of this section only when applying for renewal of 12434

the certificate, license, or permit that is of the longest 12435
duration. Prior to renewing any certificate, license, or permit 12436
with a shorter duration, the state board or the superintendent of 12437
public instruction shall determine whether the department of 12438
education has received any information about the person pursuant 12439
to section 109.5721 of the Revised Code, but the person shall not 12440
be subject to division (A)(2) or (B) of this section as long as 12441
the person's certificate, license, or permit with the longest 12442
duration is valid. 12443

(2) If the certificates, licenses, or permits are of the same 12444
duration but do not expire in the same year, the person shall 12445
designate one of the certificates, licenses, or permits as the 12446
person's primary certificate, license, or permit and shall notify 12447
the department of that designation. The person shall be subject to 12448
divisions (A)(2) and (B) of this section only when applying for 12449
renewal of the person's primary certificate, license, or permit. 12450
Prior to renewing any certificate, license, or permit that is not 12451
the person's primary certificate, license, or permit, the state 12452
board or the superintendent of public instruction shall determine 12453
whether the department has received any information about the 12454
person pursuant to section 109.5721 of the Revised Code, but the 12455
person shall not be subject to division (A)(2) or (B) of this 12456
section as long as the person's primary certificate, license, or 12457
permit is valid. 12458

(3) If the certificates, licenses, or permits are of the same 12459
duration and expire in the same year and the person applies for 12460
renewal of the certificates, licenses, or permits at the same 12461
time, the state board or the superintendent of public instruction 12462
shall request only one criminal records check of the person under 12463
division (B) of this section. 12464

Sec. 3323.30. ~~The Ohio center for autism and low incidence is~~ 12465

~~hereby established within the department of education's office for 12466
exceptional children, or any successor of that office. The center 12467
shall administer programs and coordinate services for infants, 12468
preschool and school-age children, and adults with autism and low 12469
incidence disabilities. The center's principal focus shall be 12470
programs and services for persons with autism. The center shall be 12471
under the direction of an executive director, appointed by the 12472
superintendent of public instruction in consultation with the 12473
advisory board established under section 3323.31 of the Revised 12474
Code. The department shall use state and federal funds 12475
appropriated to the department for operation of the center. 12476~~

As used in ~~this section and in sections 3323.31 to 3323.33~~ 12477
3323.35 of the Revised Code, "autism and low incidence 12478
disabilities" includes any of the following: 12479

- (A) Autism; 12480
- (B) Hearing impairment; 12481
- (C) Multiple disabilities; 12482
- (D) Orthopedic disability; 12483
- (E) Other health impairment; 12484
- (F) Traumatic brain injury; 12485
- (G) Visual impairment. 12486

Sec. 3323.31. The Franklin county educational service center 12487
shall establish the Ohio Center for Autism and Low Incidence. The 12488
Center shall administer programs and coordinate services for 12489
infants, preschool and school-age children, and adults with autism 12490
and low incidence disabilities. The Center's principal focus shall 12491
be programs and services for persons with autism. The Center shall 12492
be under the direction of an executive director, appointed by the 12493
superintendent of the service center in consultation with the 12494
advisory board established under section 3323.33 of the Revised 12495

Code. 12496

In addition to its other duties, the Ohio Center for Autism 12497
and Low Incidence shall participate as a member of an interagency 12498
workgroup on autism, as it is established by the department of 12499
mental retardation and developmental disabilities and shall 12500
provide technical assistance and support to the department in the 12501
department's leadership role to develop and implement the 12502
initiatives identified by the workgroup. 12503

Sec. 3323.32. (A) The department of education shall contract 12504
with an entity to administer programs and coordinate services for 12505
infants, preschool and school-age children, and adults with autism 12506
and low incidence disabilities. The entity shall be selected by 12507
the superintendent of public instruction in consultation with the 12508
advisory board established under section 3323.33 of the Revised 12509
Code. 12510

The contract with the entity selected shall include, but not 12511
be limited to, the following provisions: 12512

(1) A description of the programs to be administered and 12513
services to be provided or coordinated by the entity, which shall 12514
include at least the duties prescribed by sections 3323.34 and 12515
3323.35 of the Revised Code; 12516

(2) A description of the expected outcomes from the programs 12517
administered and services provided or coordinated by the entity; 12518

(3) A stipulation that the entity's performance is subject to 12519
evaluation by the department and renewal of the entity's contract 12520
is subject to the department's satisfaction with the entity's 12521
performance; 12522

(4) A description of the measures and milestones the 12523
department will use to determine whether the performance of the 12524
entity is satisfactory; 12525

(5) Any other provision the department determines is 12526
necessary to ensure the quality of services to individuals with 12527
autism and low incidence disabilities. 12528

(B) In selecting the entity under division (A) of this 12529
section, the superintendent and the advisory board shall give 12530
primary consideration to the Ohio Center for Autism and Low 12531
Incidence, established under section 3323.31 of the Revised Code, 12532
as long as the principal goals and mission of the Center, as 12533
determined by the superintendent and the advisory board, are 12534
consistent with the requirements of divisions (A)(1) to (5) of 12535
this section. 12536

Sec. ~~3323.31~~ 3323.33. The superintendent of public 12537
instruction shall establish an advisory board to assist and advise 12538
the ~~department of education~~ Franklin county educational service 12539
center in the operation of the Ohio ~~center for autism and low~~ 12540
~~incidence~~ Center for Autism and Low Incidence and the 12541
superintendent of public instruction in selecting an entity to 12542
administer programs and coordinate services for individuals with 12543
autism and low incidence disabilities as required by section 12544
3323.32 of the Revised Code and to provide technical assistance in 12545
the provision of such services. As determined by the 12546
superintendent, the advisory board shall consist of individuals 12547
who are stakeholders in the service to persons with autism and low 12548
incidence disabilities, including, but not limited to, the 12549
following: 12550

- (A) Persons with autism and low incidence disabilities; 12551
- (B) Parents and family members; 12552
- (C) Educators and other professionals; 12553
- (D) Higher education instructors; 12554
- (E) Representatives of state agencies. 12555

The advisory board shall be organized as determined by the superintendent. 12556
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Members of the advisory board shall receive no compensation for their services. 12558
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Sec. ~~3323.32~~ 3323.34. The ~~Ohio center for autism and low incidence~~ entity selected under section 3323.32 of the Revised Code shall do all of the following: 12560
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(A) Collaborate and consult with state agencies that serve persons with autism and low incidence disabilities; 12563
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(B) Collaborate and consult with institutions of higher education in development and implementation of courses for educators and other professionals serving persons with autism and low incidence disabilities; 12565
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(C) Collaborate with parent and professional organizations; 12569

(D) Create and implement programs for professional development, technical assistance, intervention services, and research in the treatment of persons with autism and low incidence disabilities; 12570
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(E) Create a regional network for communication and dissemination of information among educators and professionals serving persons with autism and low incidence disabilities. The regional network shall address educational services, evaluation, diagnosis, assistive technology, family support, leisure and recreational activities, transition, employment and adult services, and medical care for persons with autism and low incidence disabilities. 12574
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(F) Develop a statewide clearinghouse for information about autism spectrum disorders and low incidence disabilities, as described in section ~~3323.33~~ 3323.35 of the Revised Code. 12582
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Sec. ~~3323.33~~ 3323.35. In developing a clearinghouse for 12585
information about autism spectrum disorders and low incidence 12586
disabilities, as required under section ~~3323.32~~ 3323.34 of the 12587
Revised Code, the ~~Ohio center for autism and low incidence~~ entity 12588
selected under section 3323.32 of the Revised Code shall do all of 12589
the following: 12590

(A) Maintain a collection of resources for public 12591
distribution; 12592

(B) Monitor information on resources, trends, policies, 12593
services, and current educational interventions; 12594

(C) Respond to requests for information from parents and 12595
educators of children with autism and low incidence disabilities. 12596

Sec. 3326.45. (A) The governing body of a science, 12597
technology, engineering, and mathematics school may contract with 12598
the governing board of an educational service center or the board 12599
of education of a joint vocational school district for the 12600
provision of services to the STEM school or to any student 12601
enrolled in the school. Services provided under the contract and 12602
the amount to be paid for those services shall be mutually agreed 12603
to by the parties to the contract, and shall be specified in the 12604
contract. 12605

(B) A contract entered into under this section may require an 12606
educational service center to provide any one or a combination of 12607
the following services to a STEM school: 12608

(1) Supervisory teachers; 12609

(2) In-service and continuing education programs for 12610
personnel of the STEM school; 12611

(3) Curriculum services as provided to the local school 12612
districts under the supervision of the service center; 12613

<u>(4) Research and development programs;</u>	12614
<u>(5) Academic instruction for which the service center governing board employs teachers;</u>	12615 12616
<u>(6) Assistance in the provision of special accommodations and classes for students with disabilities.</u>	12617 12618
<u>Services described in division (B) of this section shall be provided to the STEM school in the same manner they are provided to local school districts under the service center's supervision, unless otherwise specified in the contract. The contract shall specify whether the service center will receive a per-pupil payment from the department of education for the provision of these services and, if so, the amount of the per-pupil payment, which shall not exceed the per-pupil amount paid to the service center under division (F) of section 3317.11 of the Revised Code for each student in the service center ADM.</u>	12619 12620 12621 12622 12623 12624 12625 12626 12627 12628
<u>(C) For each contract entered into under this section, the department shall deduct the amount owed by the STEM school from the state funds due to the STEM school under this chapter and shall pay that amount to the educational service center or joint vocational school district that is party to the contract. In the case of a contract with an educational service center that specifies per-pupil payments for the provision of services described in division (B) of this section, the department also shall pay the service center the amount calculated under division (H) of section 3317.11 of the Revised Code.</u>	12629 12630 12631 12632 12633 12634 12635 12636 12637 12638
<u>(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day of the school year for which the contract is in effect.</u>	12639 12640 12641
<u>Sec. 3326.51. (A) As used in this section:</u>	12642
<u>(1) "Resident district" has the same meaning as in section</u>	12643

3326.31 of the Revised Code. 12644

(2) "STEM school sponsoring district" means a municipal, 12645
city, local, exempted village, or joint vocational school district 12646
that governs and controls a STEM school pursuant to this section. 12647

(B) Notwithstanding any other provision of this chapter to 12648
the contrary: 12649

(1) If a proposal for a STEM school submitted under section 12650
3326.03 of the Revised Code proposes that the governing body of 12651
the school be the board of education of a municipal, city, local, 12652
exempted village, or joint vocational school district that is one 12653
of the partners submitting the proposal, and the partnership for 12654
continued learning approves that proposal, that school district 12655
board shall govern and control the STEM school as one of the 12656
schools of its district. 12657

(2) The STEM school sponsoring district shall maintain a 12658
separate accounting for the STEM school as a separate and distinct 12659
operational unit within the district's finances. The auditor of 12660
state, as part of the district's regular audits, shall certify 12661
whether funds received by the district for the STEM school were 12662
appropriately expended for the STEM school. 12663

(3) With respect to students enrolled in a STEM school whose 12664
resident district is the STEM school sponsoring district: 12665

(a) The department of education shall make no deductions 12666
under section 3326.33 of the Revised Code from the STEM school 12667
sponsoring district's state payments. 12668

(b) The STEM school sponsoring district shall ensure that it 12669
allocates to the STEM school funds equal to or exceeding the 12670
amount that would be calculated pursuant to division (B) of 12671
section 3313.981 of the Revised Code for the students attending 12672
the school whose resident district is the STEM school sponsoring 12673
district. 12674

(c) The STEM school district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code. 12675
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(d) The STEM school sponsoring district shall provide student transportation in accordance with laws and policies generally applicable to the district. 12678
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(3) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall make no payments or deductions under sections 3326.31 to 3326.49 of the Revised Code. Instead, the students shall be considered as open enrollment students and the department shall make payments and deductions in accordance with section 3313.981 of the Revised Code. The STEM school sponsoring district shall allocate the payments to the STEM school. The STEM school district may enter into financial agreements with the students' resident districts, which agreements may provide financial support in addition to the funds received from the open enrollment calculation. The STEM school sponsoring district shall allocate all such additional funds to the STEM school. 12681
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(4) Where the department is required to make, deny, reduce, or adjust payments to a STEM school sponsoring district pursuant to this section, it shall do so in such a manner that the STEM school sponsoring district may allocate that action to the STEM school. 12694
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(5) A STEM school sponsoring district and its board may assign its district employees to the STEM school, in which case section 3326.18 of the Revised Code shall not apply. The district and board may apply any other resources of the district to the STEM school in the same manner that it applies district resources to other district schools. 12699
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(6) Provisions of this chapter requiring a STEM school and 12705

its governing body to comply with specified laws as if it were a 12706
school district and in the same manner as a board of education 12707
shall instead require such compliance by the STEM school 12708
sponsoring district and its board of education, respectively, with 12709
respect to the STEM school. Where a STEM school or its governing 12710
body is required to perform a specific duty or permitted to take a 12711
specific action under this chapter, that duty is required to be 12712
performed or that action is permitted to be taken by the STEM 12713
school sponsoring district or its board of education, 12714
respectively, with respect to the STEM school. 12715

(7) No provision of this chapter limits the authority, as 12716
provided otherwise by law, of a school district and its board of 12717
education to levy taxes and issue bonds secured by tax revenues. 12718

(8) The treasurer of the STEM school sponsoring district or, 12719
if the STEM school sponsoring district is a municipal school 12720
district, the chief financial officer of the district, shall have 12721
all of the respective rights, authority, exemptions, and duties 12722
otherwise conferred upon the treasurer or chief financial officer 12723
by the Revised Code. 12724

Sec. 3333.04. The chancellor of the Ohio board of regents 12725
shall: 12726

(A) Make studies of state policy in the field of higher 12727
education and formulate a master plan for higher education for the 12728
state, considering the needs of the people, the needs of the 12729
state, and the role of individual public and private institutions 12730
within the state in fulfilling these needs; 12731

(B)(1) Report annually to the governor and the general 12732
assembly on the findings from the chancellor's studies and the 12733
master plan for higher education for the state; 12734

(2) Report at least semiannually to the general assembly and 12735

the governor the enrollment numbers at each state-assisted 12736
institution of higher education. 12737

(C) Approve or disapprove the establishment of new branches 12738
or academic centers of state colleges and universities; 12739

(D) Approve or disapprove the establishment of state 12740
technical colleges or any other state institution of higher 12741
education; 12742

(E) Recommend the nature of the programs, undergraduate, 12743
graduate, professional, state-financed research, and public 12744
services which should be offered by the state colleges, 12745
universities, and other state-assisted institutions of higher 12746
education in order to utilize to the best advantage their 12747
facilities and personnel; 12748

(F) Recommend to the state colleges, universities, and other 12749
state-assisted institutions of higher education graduate or 12750
professional programs, including, but not limited to, doctor of 12751
philosophy, doctor of education, and juris doctor programs, that 12752
could be eliminated because they constitute unnecessary 12753
duplication, as shall be determined using the process developed 12754
pursuant to this division, or for other good and sufficient cause. 12755
Prior to recommending a program for elimination, the chancellor 12756
shall request the board of regents to hold at least one public 12757
hearing on the matter and advise the chancellor on whether the 12758
program should be recommended for elimination. The board shall 12759
provide notice of each hearing within a reasonable amount of time 12760
prior to its scheduled date. Following the hearing, the board 12761
shall issue a recommendation to the chancellor. The chancellor 12762
shall consider the board's recommendation but shall not be 12763
required to accept it. 12764

For purposes of determining the amounts of any state 12765
instructional subsidies paid to state colleges, universities, and 12766

other state-assisted institutions of higher education, the 12767
chancellor may exclude students enrolled in any program that the 12768
chancellor has recommended for elimination pursuant to this 12769
division except that the chancellor shall not exclude any such 12770
student who enrolled in the program prior to the date on which the 12771
chancellor initially commences to exclude students under this 12772
division. 12773

The chancellor and state colleges, universities, and other 12774
state-assisted institutions of higher education shall jointly 12775
develop a process for determining which existing graduate or 12776
professional programs constitute unnecessary duplication. 12777

(G) Recommend to the state colleges, universities, and other 12778
state-assisted institutions of higher education programs which 12779
should be added to their present programs; 12780

(H) Conduct studies for the state colleges, universities, and 12781
other state-assisted institutions of higher education to assist 12782
them in making the best and most efficient use of their existing 12783
facilities and personnel; 12784

(I) Make recommendations to the governor and general assembly 12785
concerning the development of state-financed capital plans for 12786
higher education; the establishment of new state colleges, 12787
universities, and other state-assisted institutions of higher 12788
education; and the establishment of new programs at the existing 12789
state colleges, universities, and other institutions of higher 12790
education; 12791

(J) Review the appropriation requests of the public community 12792
colleges and the state colleges and universities and submit to the 12793
office of budget and management and to the chairpersons of the 12794
finance committees of the house of representatives and of the 12795
senate the chancellor's recommendations in regard to the biennial 12796
higher education appropriation for the state, including 12797

appropriations for the individual state colleges and universities 12798
and public community colleges. For the purpose of determining the 12799
amounts of instructional subsidies to be paid to state-assisted 12800
colleges and universities, the chancellor shall define "full-time 12801
equivalent student" by program per academic year. The definition 12802
may take into account the establishment of minimum enrollment 12803
levels in technical education programs below which support 12804
allowances will not be paid. Except as otherwise provided in this 12805
section, the chancellor shall make no change in the definition of 12806
"full-time equivalent student" in effect on November 15, 1981, 12807
which would increase or decrease the number of subsidy-eligible 12808
full-time equivalent students, without first submitting a fiscal 12809
impact statement to the president of the senate, the speaker of 12810
the house of representatives, the legislative service commission, 12811
and the director of budget and management. The chancellor shall 12812
work in close cooperation with the director of budget and 12813
management in this respect and in all other matters concerning the 12814
expenditures of appropriated funds by state colleges, 12815
universities, and other institutions of higher education. 12816

(K) Seek the cooperation and advice of the officers and 12817
trustees of both public and private colleges, universities, and 12818
other institutions of higher education in the state in performing 12819
the chancellor's duties and making the chancellor's plans, 12820
studies, and recommendations; 12821

(L) Appoint advisory committees consisting of persons 12822
associated with public or private secondary schools, members of 12823
the state board of education, or personnel of the state department 12824
of education; 12825

(M) Appoint advisory committees consisting of college and 12826
university personnel, or other persons knowledgeable in the field 12827
of higher education, or both, in order to obtain their advice and 12828
assistance in defining and suggesting solutions for the problems 12829

and needs of higher education in this state; 12830

(N) Approve or disapprove all new degrees and new degree 12831
programs at all state colleges, universities, and other 12832
state-assisted institutions of higher education; 12833

(O) Adopt such rules as are necessary to carry out the 12834
chancellor's duties and responsibilities. The rules shall 12835
prescribe procedures for the chancellor to follow when taking 12836
actions associated with the chancellor's duties and 12837
responsibilities and shall indicate which types of actions are 12838
subject to those procedures. The procedures adopted under this 12839
division shall be in addition to any other procedures prescribed 12840
by law for such actions. However, if any other provision of the 12841
Revised Code or rule adopted by the chancellor prescribes 12842
different procedures for such an action, the procedures adopted 12843
under this division shall not apply to that action to the extent 12844
they conflict with the procedures otherwise prescribed by law. The 12845
procedures adopted under this division shall include at least the 12846
following: 12847

(1) Provision for public notice of the proposed action; 12848

(2) An opportunity for public comment on the proposed action, 12849
which may include a public hearing on the action by the board of 12850
regents; 12851

(3) Methods for parties that may be affected by the proposed 12852
action to submit comments during the public comment period; 12853

(4) Submission of recommendations from the board of regents 12854
regarding the proposed action, at the request of the chancellor; 12855

(5) Written publication of the final action taken by the 12856
chancellor and the chancellor's rationale for the action; 12857

(6) A timeline for the process described in divisions (O)(1) 12858
to (5) of this section. 12859

(P) Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the chancellor's supervision that is designed to accomplish any of the following:	12860
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(1) Increased access to higher education;	12864
(2) Job training;	12865
(3) Adult literacy;	12866
(4) Research;	12867
(5) Excellence in higher education;	12868
(6) Reduction in the number of graduate programs within the same subject area.	12869
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In July of each odd-numbered year, the chancellor shall submit to the governor and the general assembly a report on progress made toward these goals.	12871
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(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27, and 5910.02 of the Revised Code;	12874
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(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	12878
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(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	12882
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(T) Administer contracts under sections 3702.74 and 3702.75 of the Revised Code in accordance with rules adopted by the director of health under section 3702.79 of the Revised Code;	12887
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~~(U)~~ Conduct enrollment audits of state-supported institutions of higher education; 12890
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~~(V)~~(U) Appoint ~~consortiums~~ consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the ~~consortiums~~ consortia shall be distributed to the fiscal agents for the operation of the ~~consortiums~~ consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (D)(1) to (6) of this section. 12892
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~~(W)~~(V) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed by law; 12906
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~~(X)~~(W) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose. 12909
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Sec. 3333.044. (A) The chancellor of the Ohio board of regents may contract with any consultants that are necessary for the discharge of the chancellor's duties under this chapter. 12912
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(B) The chancellor may purchase, upon the terms that the chancellor determines to be advisable, one or more policies of insurance from insurers authorized to do business in this state that insure consultants who have contracted with the chancellor under division (A) of this section or members of an advisory committee appointed under section 3333.04 of the Revised Code, 12915
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with respect to the activities of the consultants or advisory
committee members in the course of the performance of their
responsibilities as consultants or advisory committee members.

(C) Subject to the approval of the controlling board, the
chancellor may contract with any entities for the discharge of the
chancellor's duties and responsibilities under any of the programs
established pursuant to sections 3333.12, 3333.122, 3333.21 to
3333.28, ~~3702.71 to 3702.81~~, and 5120.55, and Chapter 5910. of the
Revised Code. The chancellor shall not enter into a contract under
this division unless the proposed contractor demonstrates that its
primary purpose is to promote access to higher education by
providing student financial assistance through loans, grants, or
scholarships, and by providing high quality support services and
information to students and their families with regard to such
financial assistance.

Chapter 125. of the Revised Code does not apply to contracts
entered into pursuant to this section. In awarding contracts under
this division, the chancellor shall consider factors such as the
cost of the administration of the contract, the experience of the
contractor, and the contractor's ability to properly execute the
contract.

Sec. 3333.045. As used in this section, "state university or
college" means any state university listed in section 3345.011 of
the Revised Code, the northeastern Ohio universities college of
medicine, any community college under Chapter 3354. of the Revised
Code, any university branch district under Chapter 3355. of the
Revised Code, any technical college under Chapter 3357. of the
Revised Code, and any state community college under Chapter 3358.
of the Revised Code.

The chancellor of the Ohio board of regents shall work with
the attorney general, the auditor of state, and the Ohio ethics

commission to develop a model for training members of the boards 12952
of trustees of all state universities and colleges and members of 12953
the board of regents regarding the authority and responsibilities 12954
of a board of trustees or the board of regents. This model shall 12955
include a review of fiduciary responsibilities, ethics, and fiscal 12956
management. Use of this model by members of boards of trustees and 12957
the board of regents shall be voluntary. 12958

~~This section does not apply to the three members of the board 12959
of trustees of the northeastern Ohio universities college of 12960
medicine who are presidents of state universities. 12961~~

Sec. 3333.122. (A) As used in this section: 12962

(1) "Eligible student" means a student who is: 12963

(a) An Ohio resident who first enrolls in an undergraduate 12964
program in the 2006-2007 academic year or thereafter; 12965

(b) If the student first enrolled in an undergraduate program 12966
in the 2006-2007 or 2007-2008 academic year, the student is 12967
enrolled in ~~either~~ one of the following: 12968

(i) An accredited institution of higher education in this 12969
state that meets the requirements of Title VI of the Civil Rights 12970
Act of 1964 and is state-assisted, is nonprofit and has a 12971
certificate of authorization pursuant to Chapter 1713. of the 12972
Revised Code, has a certificate of registration from the state 12973
board of career colleges and schools and program authorization to 12974
award an associate or bachelor's degree, or is a private 12975
institution exempt from regulation under Chapter 3332. of the 12976
Revised Code as prescribed in section 3333.046 of the Revised 12977
Code. Students who attend an institution that holds a certificate 12978
of registration shall be enrolled in a program leading to an 12979
associate or bachelor's degree for which associate or bachelor's 12980
degree program the institution has program authorization issued 12981

under section 3332.05 of the Revised Code. 12982

(ii) A technical education program of at least two years 12983
duration sponsored by a private institution of higher education in 12984
this state that meets the requirements of Title VI of the Civil 12985
Rights Act of 1964; 12986

(iii) A nursing diploma program approved by the board of 12987
nursing under division (A)(5) of section 4723.06 of the Revised 12988
Code and that meets the requirements of Title VI of the Civil 12989
Rights Act of 1964. 12990

(c) If the student first enrolled in an undergraduate program 12991
after the 2007-2008 academic year, the student is enrolled in 12992
~~either~~ one of the following: 12993

(i) An accredited institution of higher education in this 12994
state that meets the requirements of Title VI of the Civil Rights 12995
Act of 1964 and is state-assisted, is nonprofit and has a 12996
certificate of authorization pursuant to Chapter 1713. of the 12997
Revised Code, or is a private institution exempt from regulation 12998
under Chapter 3332. of the Revised Code as prescribed in section 12999
3333.046 of the Revised Code; 13000

(ii) An education program of at least two years duration 13001
sponsored by a private institution of higher education in this 13002
state that meets the requirements of Title VI of the Civil Rights 13003
Act of 1964 and has a certificate of authorization pursuant to 13004
Chapter 1713. of the Revised Code; 13005

(iii) A nursing diploma program approved by the board of 13006
nursing under division (A)(5) of section 4723.06 of the Revised 13007
Code and that meets the requirements of Title VI of the Civil 13008
Rights Act of 1964. 13009

(2) A student who participated in either the early college 13010
high school program administered by the department of education or 13011
in the post-secondary enrollment options program pursuant to 13012

Chapter 3365. of the Revised Code before the 2006-2007 academic 13013
year shall not be excluded from eligibility for a needs-based 13014
financial aid grant under this section. 13015

(3) "Resident," "expected family contribution" or "EFC," 13016
"full-time student," "three-quarters-time student," "half-time 13017
student," "one-quarter-time student," and "accredited" shall be 13018
defined by rules adopted by the chancellor of the Ohio board of 13019
regents. 13020

(B) The chancellor shall establish and administer a 13021
needs-based financial aid program based on the United States 13022
department of education's method of determining financial need and 13023
may adopt rules to carry out this section. The program shall be 13024
known as the Ohio college opportunity grant program. The general 13025
assembly shall support the needs-based financial aid program by 13026
such sums and in such manner as it may provide, but the chancellor 13027
may also receive funds from other sources to support the program. 13028
If the amounts available for support of the program are inadequate 13029
to provide grants to all eligible students, preference in the 13030
payment of grants shall be given in terms of expected family 13031
contribution, beginning with the lowest expected family 13032
contribution category and proceeding upward by category to the 13033
highest expected family contribution category. 13034

A needs-based financial aid grant shall be paid to an 13035
eligible student through the institution in which the student is 13036
enrolled, except that no needs-based financial aid grant shall be 13037
paid to any person serving a term of imprisonment. Applications 13038
for such grants shall be made as prescribed by the chancellor, and 13039
such applications may be made in conjunction with and upon the 13040
basis of information provided in conjunction with student 13041
assistance programs funded by agencies of the United States 13042
government or from financial resources of the institution of 13043
higher education. The institution shall certify that the student 13044

applicant meets the requirements set forth in divisions (A)(1)(a) 13045
and (b) of this section. Needs-based financial aid grants shall be 13046
provided to an eligible student only as long as the student is 13047
making appropriate progress toward a nursing diploma or an 13048
associate or bachelor's degree. No student shall be eligible to 13049
receive a grant for more than ten semesters, fifteen quarters, or 13050
the equivalent of five academic years. A grant made to an eligible 13051
student on the basis of less than full-time enrollment shall be 13052
based on the number of credit hours for which the student is 13053
enrolled and shall be computed in accordance with a formula 13054
adopted by the chancellor. No student shall receive more than one 13055
grant on the basis of less than full-time enrollment. 13056

A needs-based financial aid grant shall not exceed the total 13057
instructional and general charges of the institution. 13058

(C) The tables in this division prescribe the maximum grant 13059
amounts covering two semesters, three quarters, or a comparable 13060
portion of one academic year. Grant amounts for additional terms 13061
in the same academic year shall be determined under division (D) 13062
of this section. 13063

As used in the tables in division (C) of this section: 13064

(1) "Private institution" means an institution that is 13065
nonprofit and has a certificate of authorization pursuant to 13066
Chapter 1713. of the Revised Code. 13067

(2) "Career college" means either an institution that holds a 13068
certificate of registration from the state board of career 13069
colleges and schools or a private institution exempt from 13070
regulation under Chapter 3332. of the Revised Code as prescribed 13071
in section 3333.046 of the Revised Code. 13072

Full-time students shall be eligible to receive awards 13073
according to the following table: 13074

Full-Time Enrollment 13075

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	13076
\$2,101	\$2,190	\$300	\$600	\$480	13077
2,001	2,100	402	798	642	13078
1,901	2,000	498	1,002	798	13079
1,801	1,900	600	1,200	960	13080
1,701	1,800	702	1,398	1,122	13081
1,601	1,700	798	1,602	1,278	13082
1,501	1,600	900	1,800	1,440	13083
1,401	1,500	1,002	1,998	1,602	13084
1,301	1,400	1,098	2,202	1,758	13085
1,201	1,300	1,200	2,400	1,920	13086
1,101	1,200	1,302	2,598	2,082	13087
1,001	1,100	1,398	2,802	2,238	13088
901	1,000	1,500	3,000	2,400	13089
801	900	1,602	3,198	2,562	13090
701	800	1,698	3,402	2,718	13091
601	700	1,800	3,600	2,280	13092
501	600	1,902	3,798	3,042	13093
401	500	1,998	4,002	3,198	13094
301	400	2,100	4,200	3,360	13095
201	300	2,202	4,398	3,522	13096
101	200	2,298	4,602	3,678	13097
1	100	2,400	4,800	3,840	13098
0	0	2,496	4,992	3,996	13099
Three-quarters-time students shall be eligible to receive awards according to the following table:					13100
					13101

		Three-Quarters-Time Enrollment			13102
If the EFC	And the	If the	If the	If the	13103
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$228	\$450	\$360	13104
2,001	2,100	300	600	480	13105
1,901	2,000	372	750	600	13106
1,801	1,900	450	900	720	13107
1,701	1,800	528	1,050	840	13108
1,601	1,700	600	1,200	960	13109
1,501	1,600	678	1,350	1,080	13110
1,401	1,500	750	1,500	1,200	13111
1,301	1,400	822	1,650	1,320	13112
1,201	1,300	900	1,800	1,440	13113
1,101	1,200	978	1,950	1,560	13114
1,001	1,100	1,050	2,100	1,680	13115
901	1,000	1,128	2,250	1,800	13116
801	900	1,200	2,400	1,920	13117
701	800	1,272	2,550	2,040	13118
601	700	1,350	2,700	2,160	13119
501	600	1,428	2,850	2,280	13120
401	500	1,500	3,000	2,400	13121
301	400	1,578	3,150	2,520	13122
201	300	1,650	3,300	2,640	13123
101	200	1,722	3,450	2,760	13124
1	100	1,800	3,600	2,880	13125
0	0	1,872	3,744	3,000	13126
		Half-time students shall be eligible to receive awards			13127

according to the following table:					13128
Half-Time Enrollment					13129
If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	13130
\$2,101	\$2,190	\$150	\$300	\$240	13131
2,001	2,100	204	402	324	13132
1,901	2,000	252	504	402	13133
1,801	1,900	300	600	480	13134
1,701	1,800	354	702	564	13135
1,601	1,700	402	804	642	13136
1,501	1,600	450	900	720	13137
1,401	1,500	504	1,002	804	13138
1,301	1,400	552	1,104	882	13139
1,201	1,300	600	1,200	960	13140
1,101	1,200	654	1,302	1,044	13141
1,001	1,100	702	1,404	1,122	13142
901	1,000	750	1,500	1,200	13143
801	900	804	1,602	1,284	13144
701	800	852	1,704	1,362	13145
601	700	900	1,800	1,440	13146
501	600	954	1,902	1,524	13147
401	500	1,002	2,004	1,602	13148
301	400	1,050	2,100	1,680	13149
201	300	1,104	2,202	1,764	13150
101	200	1,152	2,304	1,842	13151
1	100	1,200	2,400	1,920	13152
0	0	1,248	2,496	1,998	13153

One-quarter-time students shall be eligible to receive awards 13154
according to the following table: 13155

One-Quarter-Time Enrollment 13156

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	13157
\$2,101	\$2,190	\$78	\$150	\$120	13158
2,001	2,100	102	198	162	13159
1,901	2,000	126	252	198	13160
1,801	1,900	150	300	240	13161
1,701	1,800	174	348	282	13162
1,601	1,700	198	402	318	13163
1,501	1,600	228	450	360	13164
1,401	1,500	252	498	402	13165
1,301	1,400	276	552	438	13166
1,201	1,300	300	600	480	13167
1,101	1,200	324	648	522	13168
1,001	1,100	348	702	558	13169
901	1,000	378	750	600	13170
801	900	402	798	642	13171
701	800	426	852	678	13172
601	700	450	900	720	13173
501	600	474	948	762	13174
401	500	498	1,002	798	13175
301	400	528	1,050	840	13176
201	300	552	1,098	882	13177
101	200	576	1,152	918	13178
1	100	600	1,200	960	13179

0 0 624 1,248 1,002 13180

(D) For a full-time student enrolled in an eligible 13181
institution for a semester or quarter in addition to the portion 13182
of the academic year covered by a grant determined under division 13183
(C) of this section, the maximum grant amount shall be a 13184
percentage of the maximum prescribed in the applicable table of 13185
that division. The maximum grant for a fourth quarter shall be 13186
one-third of the maximum amount prescribed under that division. 13187
The maximum grant for a third semester shall be one-half of the 13188
maximum amount prescribed under that division. 13189

(E) No grant shall be made to any student in a course of 13190
study in theology, religion, or other field of preparation for a 13191
religious profession unless such course of study leads to an 13192
accredited bachelor of arts, bachelor of science, associate of 13193
arts, or associate of science degree. 13194

(F)(1) Except as provided in division (F)(2) of this section, 13195
no grant shall be made to any student for enrollment during a 13196
fiscal year in an institution with a cohort default rate 13197
determined by the United States secretary of education pursuant to 13198
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 13199
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 13200
preceding the fiscal year, equal to or greater than thirty per 13201
cent for each of the preceding two fiscal years. 13202

(2) Division (F)(1) of this section does not apply to the 13203
following: 13204

(a) Any student enrolled in an institution that under the 13205
federal law appeals its loss of eligibility for federal financial 13206
aid and the United States secretary of education determines its 13207
cohort default rate after recalculation is lower than the rate 13208
specified in division (F)(1) of this section or the secretary 13209
determines due to mitigating circumstances the institution may 13210
continue to participate in federal financial aid programs. The 13211

chancellor shall adopt rules requiring institutions to provide 13212
information regarding an appeal to the chancellor. 13213

(b) Any student who has previously received a grant under 13214
this section who meets all other requirements of this section. 13215

(3) The chancellor shall adopt rules for the notification of 13216
all institutions whose students will be ineligible to participate 13217
in the grant program pursuant to division (F)(1) of this section. 13218

(4) A student's attendance at an institution whose students 13219
lose eligibility for grants under division (F)(1) of this section 13220
shall not affect that student's eligibility to receive a grant 13221
when enrolled in another institution. 13222

(G) Institutions of higher education that enroll students 13223
receiving needs-based financial aid grants under this section 13224
shall report to the chancellor all students who have received 13225
needs-based financial aid grants but are no longer eligible for 13226
all or part of such grants and shall refund any moneys due the 13227
state within thirty days after the beginning of the quarter or 13228
term immediately following the quarter or term in which the 13229
student was no longer eligible to receive all or part of the 13230
student's grant. There shall be an interest charge of one per cent 13231
per month on all moneys due and payable after such thirty-day 13232
period. The chancellor shall immediately notify the office of 13233
budget and management and the legislative service commission of 13234
all refunds so received. 13235

Sec. 3333.58. There is hereby created at Shawnee state 13236
university the Ohio Appalachian center for higher education to 13237
increase the educational attainment of the residents of Ohio's 13238
Appalachian region, as defined in section 107.21 of the Revised 13239
Code. The board of directors of the center shall consist of the 13240
following members: 13241

<u>(A) The presidents of all of the following:</u>	13242
<u>(1) Shawnee state university;</u>	13243
<u>(2) Belmont technical college;</u>	13244
<u>(3) Hocking college;</u>	13245
<u>(4) Jefferson community college;</u>	13246
<u>(5) Zane state college;</u>	13247
<u>(6) Rio Grande community college;</u>	13248
<u>(7) Southern state community college;</u>	13249
<u>(8) Central Ohio technical college, Coshocton campus;</u>	13250
<u>(9) Washington state community college.</u>	13251
<u>(B) The president of Ohio university, or the president's</u> <u>designee;</u>	13252 13253
<u>(C) The dean of one of the Salem, Tuscarawas, or East</u> <u>Liverpool regional campuses of Kent state university, as</u> <u>designated by the president of Kent state university;</u>	13254 13255 13256
<u>(D) A representative of the chancellor of the Ohio board of</u> <u>regents as designated by the chancellor.</u>	13257 13258
Sec. 3353.20 <u>3333.81</u>. As used in sections 3353.20 <u>3333.81</u> to 3353.30 <u>3333.88</u> of the Revised Code:	13259 13260
(A) "Clearinghouse" means the clearinghouse established under section 3353.21 <u>3333.82</u> of the Revised Code.	13261 13262
(B) " Data verification code " means the code assigned to a student under division (D)(2) of section 3301.0714 of the Revised Code.	13263 13264 13265
(C) " One half unit " of instruction has the same meaning as in section 3313.603 of the Revised Code.	13266 13267
(D) " <u>Community school</u> " means a community school established	13268

under Chapter 3314. of the Revised Code. 13269

(C) "Common statewide platform" means a software program that 13270
facilitates the delivery of courses via computers from multiple 13271
course providers to multiple end users, tracks the progress of the 13272
end user, and includes an integrated searchable database of 13273
standards-based course content. 13274

(D) "Course provider" means a school district, community 13275
school, STEM school, state institution of higher education, 13276
private college or university, or nonprofit or for-profit private 13277
entity that creates or is an agent of the creator of original 13278
course content for a course offered through the clearinghouse. 13279

(E) "Instructor" means an individual who holds a license 13280
issued by the state board of education, as defined in section 13281
3319.31 of the Revised Code, or an individual employed as an 13282
instructor or professor by a state institution of higher education 13283
or a private college or university. 13284

(F) "State institution of higher education" has the same 13285
meaning as in section 3345.011 of the Revised Code. 13286

(G) "STEM school" means a science, technology, engineering, 13287
and mathematics school established under Chapter 3326. of the 13288
Revised Code. 13289

(H) A "student's community school" means the community school 13290
established under Chapter 3314. of the Revised Code in which the 13291
student is enrolled instead of being enrolled in a school operated 13292
by a school district. 13293

~~(E)~~(I) A "student's school district" means the school 13294
district operating the school in which the student is lawfully 13295
enrolled. 13296

(J) "A student's STEM school" means the STEM school in which 13297
the student is enrolled instead of being enrolled in a school 13298

operated by a school district. 13299

Sec. ~~3353.21~~ 3333.82. (A) The ~~eTech Ohio commission~~ 13300
chancellor of the Ohio board of regents shall establish a 13301
clearinghouse of interactive distance learning courses and other 13302
distance learning courses delivered via a computer-based method 13303
offered by school districts, community schools, STEM schools, 13304
state institutions of higher education, private colleges and 13305
universities, and other nonprofit and for-profit course providers 13306
for sharing with other school districts ~~and,~~ community schools, 13307
STEM schools, state institutions of higher education, private 13308
colleges and universities, and individuals for the fee set 13309
pursuant to section ~~3353.24~~ 3333.84 of the Revised Code. The 13310
~~commission~~ chancellor shall not be responsible for the content of 13311
courses offered through the clearinghouse; however, all such 13312
courses shall be delivered only in accordance with technical 13313
specifications approved by the ~~commission~~ chancellor and on a 13314
common statewide platform administered by the chancellor. 13315

(B) To offer a course through the clearinghouse, a ~~school~~ 13316
~~district~~ course provider shall apply to the ~~commission~~ chancellor 13317
in a form and manner prescribed by the ~~commission~~ chancellor. The 13318
application for each course shall describe the course of study in 13319
as much detail as required by the ~~commission~~ chancellor, whether 13320
an instructor is provided, the qualification and credentials of 13321
the ~~teacher~~ instructor, the number of hours of instruction, ~~the~~ 13322
~~technology required to deliver and receive the course, the~~ 13323
~~technical capacity of the school district to deliver the course,~~ 13324
~~the times that the school district plans to deliver the course,~~ 13325
and any other information required by the ~~commission~~ chancellor. 13326
The ~~commission~~ chancellor may require ~~school districts~~ course 13327
providers to include in their applications information recommended 13328
by the state board of education under former section 3353.30 of 13329
the Revised Code. 13330

(C) The ~~commission~~ chancellor shall review the technical specifications of each application submitted under division (B) of this section ~~and shall approve a course offered if the commission determines that the school district can satisfactorily deliver the course through the technology necessary for that delivery.~~ In reviewing applications, the ~~commission~~ chancellor may consult with the department of education; however, the responsibility to either approve or not approve a course for the clearinghouse belongs to the ~~commission~~ chancellor. The ~~commission~~ chancellor may request additional information from a ~~school district~~ course provider that submits an application under division (B) of this section, if the ~~commission~~ chancellor determines that such information is necessary. The ~~commission~~ chancellor may negotiate changes in the proposal to offer a course, if the ~~commission~~ chancellor determines that changes are necessary in order to approve the course.

(D) The ~~commission~~ chancellor shall catalog each course approved for the clearinghouse, through a print or electronic medium, displaying the following:

(1) Information necessary for a student and the student's parent, guardian, or custodian and the student's school district ~~or~~ community school, STEM school, college, or university to decide whether to enroll in or subscribe to the course;

(2) Instructions for enrolling in that course, including deadlines for enrollment.

(E) Any expenses related to the installation of a course into the common statewide platform shall be borne by the course provider.

(F) The chancellor may contract with an entity to perform any or all of the chancellor's duties under sections 3333.81 to 3333.88 of the Revised Code.

~~Sec. 3353.22~~ 3333.83. (A) A student who is enrolled in a school operated by a school district or in a community school or STEM school may enroll in a course ~~included in~~ through the clearinghouse only if both of the following conditions are satisfied:

(1) The student's enrollment in the course is approved by the student's school district ~~or the student's,~~ community school, or STEM school.

(2) The student's school district ~~or the student's,~~ community school, or STEM school agrees to accept for credit the grade assigned by the ~~district that is delivering the~~ course provider, if that provider is another school district, community school, or STEM school.

(B) For each student enrolled in a school operated by a school district or in a community school or STEM school who is enrolling in a course provided through the clearinghouse by another school district, community school, or STEM school, the student's school district ~~or the student's,~~ community school, or STEM school shall transmit ~~the student's data verification code and~~ the student's name to the ~~school district delivering the~~ course provider.

The ~~district delivering the~~ course provider may request from the student's school district ~~or the student's,~~ community school, or STEM school other information from the student's school record. The ~~student's school~~ district or ~~the student's community~~ school shall provide the requested information only in accordance with section 3319.321 of the Revised Code.

(C) The student's school district ~~or the student's,~~ community school, or STEM school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity

adopted by the ~~commission~~ chancellor of the Ohio board of regents. 13393
13394

(D) A student may withdraw from a course prior to the end of 13395
the course only by a date and in a manner prescribed by the 13396
student's school district ~~or~~, community school, or STEM school. 13397

(E) A student who is enrolled in a school operated by a 13398
school district or in a community school or STEM school and who 13399
takes a course ~~included in~~ through the clearinghouse shall be 13400
counted in the formula ADM of a school district under section 13401
3317.03 of the Revised Code as if the student were taking the 13402
course from the student's school district ~~or the student's,~~ 13403
community school, or STEM school. 13404

Sec. 3333.84. (A) The fee charged for any course offered 13405
through the clearinghouse shall be set by the course provider. 13406

(B) The chancellor of the Ohio board of regents shall 13407
prescribe the manner in which the fee for a course shall be 13408
collected or deducted from the school district, school, college or 13409
university, or individual subscribing to the course and in which 13410
manner the fee shall be paid to the course provider. 13411

(C) The chancellor may retain a percentage of the fee charged 13412
for a course to offset the cost of maintaining and operating the 13413
clearinghouse, including the payment of compensation for an entity 13414
or a private entity that is under contract with the chancellor 13415
under division (F) of section 3333.82 of the Revised Code. The 13416
percentage retained shall be determined by the chancellor. 13417

13418

Sec. ~~3353.26~~ 3333.85. The grade for a student who enrolls in 13419
enrolled in a school operated by a school district or in a 13420
community school or STEM school for a course included in provided 13421
through the clearinghouse by another school district, community 13422

school, or STEM school shall be assigned by ~~the school district~~ 13423
~~that delivers~~ the course provider and shall be transmitted by ~~that~~ 13424
~~district~~ to the student's school district ~~or the student's,~~ 13425
community school, or STEM school. 13426

Sec. ~~3353.27~~ 3333.86. The ~~eTech Ohio commission~~ chancellor of 13427
the Ohio board of regents may determine the manner in which a 13428
course included in the clearinghouse may be offered as a dual 13429
enrollment program as defined in section 3313.6013 of the Revised 13430
Code, may be offered to students who are enrolled in nonpublic 13431
schools or are instructed at home pursuant to section 3321.04 of 13432
the Revised Code, or may be offered at times outside the normal 13433
school day or school week, including any necessary additional fees 13434
and methods of payment for a course so offered. 13435

Sec. ~~3353.28~~ 3333.87. The ~~eTech Ohio commission~~ chancellor of 13436
the Ohio board of regents shall adopt rules in accordance with 13437
Chapter 119. of the Revised Code prescribing procedures for the 13438
implementation of sections ~~3353.20 to 3353.27~~ 3333.81 to 3333.86 13439
of the Revised Code. 13440

Sec. ~~3353.29~~ 3333.88. Nothing in sections ~~3353.20 to 3353.28~~ 13441
~~3333.81 to 3333.87~~ of the Revised Code, or in rules implementing 13442
those sections, shall prohibit a school district, community 13443
school, STEM school, or college or university from offering an 13444
interactive distance learning course or other distance learning 13445
course using a computer-based method through any means other than 13446
the clearinghouse established and maintained under those sections. 13447
13448

Sec. 3335.05. Before entering upon the duties of ~~his~~ office 13449
the treasurer of the Ohio state university shall give evidence of 13450
bond to the state or insurance in such sum as the board of 13451

trustees determines, ~~but not a less sum than the probable amount~~ 13452
~~that will be under his control in any one year, conditioned for~~ 13453
the faithful discharge of ~~his~~ official duties and the payment of 13454
all moneys coming into ~~his~~ the treasurer's hands, ~~the bond to be~~ 13455
~~approved by the attorney general.~~ Such evidence of bond or 13456
insurance shall be deposited with the secretary of state and kept 13457
in ~~his~~ the secretary of state's office. 13458

Sec. 3341.03. The board of trustees of Bowling Green state 13459
university and Kent state university, respectively, shall annually 13460
elect from their members, a president and a vice-president; and 13461
they may also appoint a secretary of the board, a treasurer, and 13462
such other officers of the university as the interests of the 13463
respective universities require, who may be members of the board. 13464
The treasurers, before entering upon the discharge of their 13465
duties, shall give bonds to the state or be insured for the 13466
faithful performance of their duties and the proper accounting for 13467
all moneys coming into their care. The amount of said bonds or 13468
insurance shall be determined by the boards, but shall not be for 13469
a less sum than the estimated amount which may come into their 13470
control at any time, less any reasonable deductible. ~~Said bonds~~ 13471
~~shall be approved by the attorney general.~~ 13472

Sec. 3343.08. The treasurer of the central state university, 13473
before entering upon the discharge of the treasurer's duties, 13474
shall give a bond to the state or be insured for the faithful 13475
performance of the treasurer's duties and the proper accounting 13476
for all moneys coming into the treasurer's care. The amount of the 13477
bond or insurance shall be determined by the board of trustees of 13478
central state university, but shall not be for a sum less than the 13479
amount that the board estimates may come into the treasurer's 13480
control at any time, less any reasonable deductible. ~~The bond~~ 13481
~~shall be approved by the attorney general.~~ 13482

Sec. 3344.02. The board of trustees of Cleveland state 13483
university shall annually elect from their members a ~~chairman~~ 13484
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 13485
also appoint a secretary of the board, a treasurer, and such other 13486
officers of the university as the interest of the university 13487
requires, who may be members of the board. The treasurer, before 13488
entering upon the discharge of ~~his~~ official duties, shall give 13489
bond to the state or be insured for the faithful performance of 13490
~~his~~ the treasurer's duties and the proper accounting for all 13491
moneys coming into ~~his~~ the treasurer's care. The amount of said 13492
bond or insurance shall be determined by the board, but shall not 13493
be for a sum less than the estimated amount which may come into 13494
~~his~~ the treasurer's control at any time, less any reasonable 13495
deductible. ~~Said bond shall be approved by the attorney general.~~ 13496

Sec. 3345.34. (A) No student trustee of a state university or 13497
the northeastern Ohio universities college of medicine shall use 13498
~~his~~ the trusteeship to influence any grade or other evaluation of 13499
~~his~~ the student trustee's performance made by a member of the 13500
faculty or other employee of the state university or the college. 13501

(B) No member of the faculty or other employee of a state 13502
university or the northeastern Ohio universities college of 13503
medicine shall confer any favor, advantage, preference, or other 13504
benefit on a student trustee because of the student's trusteeship. 13505

Sec. 3350.10. (A) There is hereby created the northeastern 13506
Ohio universities college of medicine. The principal goal of the 13507
college shall be to collaborate with the university of Akron, 13508
Cleveland state university, Kent state university, and Youngstown 13509
state university to graduate physicians oriented to the practice 13510
of medicine at the community level, especially family physicians. 13511
To accomplish this goal, the college may incorporate in the 13512

clinical experience provided its students the several community 13513
hospitals in the cities and areas served by the college; utilize 13514
practicing physicians as teachers; and to the fullest extent 13515
possible utilize the basic science capabilities of the university 13516
of Akron, Cleveland state university, Kent state university, and 13517
Youngstown state university. The 13518

(1) Until the ninetieth day after the effective date of this 13519
amendment, the government of the college is vested in a 13520
nine-member board of trustees consisting of the presidents of the 13521
university of Akron, Kent state university, and Youngstown state 13522
university; one member each of the boards of trustees of the 13523
university of Akron, Kent state university, and Youngstown state 13524
university, to be appointed by their respective boards of trustees 13525
for a term of six years ending on the first day of May or until 13526
~~his~~ the trustee's term on ~~his~~ the respective university board of 13527
trustees expires, whichever occurs first; and one person each to 13528
be appointed by the boards of trustees of the university of Akron, 13529
Kent state university, and Youngstown state university, for a term 13530
of nine years ending on the first day of May; except that the term 13531
of those first appointed by the several boards of trustees shall 13532
expire on the first day of May next following their appointment. 13533
Vacancies shall be filled for the unexpired term in the manner 13534
provided for original appointment. The trustees shall receive no 13535
compensation for their services but shall be paid their reasonable 13536
necessary expenses while engaged in the discharge of their 13537
official duties. A majority of the board constitutes a quorum. 13538

(2) Beginning ninety days after the effective date of this 13539
amendment, the government of the college is vested in a board of 13540
eleven trustees, who shall be appointed by the governor, with the 13541
advice and consent of the senate. Two of the trustees shall be 13542
current students of the college, and their selection and terms 13543
shall be in accordance with division (B) of this section. Except 13544

as provided in division (A)(3) of this section and except for the 13545
student members, terms of office shall be for nine years. Each 13546
trustee shall hold office from the date of appointment until the 13547
end of the term for which the trustee was appointed. Any trustee 13548
appointed to fill a vacancy occurring prior to the expiration of 13549
the term for which the trustee's predecessor was appointed shall 13550
hold office for the remainder of such term. Any trustee shall 13551
continue in office subsequent to the expiration date of the 13552
trustee's term until the trustee's successor takes office, or 13553
until a period of sixty days has elapsed, whichever occurs first. 13554
No person who has served a full nine-year term or more than six 13555
years of such a term shall be eligible for reappointment until a 13556
period of four years has elapsed since the last day of the term 13557
for which the person previously served. The trustees shall receive 13558
no compensation for their services but shall be paid their 13559
reasonable necessary expenses while engaged in the discharge of 13560
their official duties. A majority of the board constitutes a 13561
quorum. 13562

(3) Not later than ninety days after the effective date of 13563
this amendment, the governor, with the advice and consent of the 13564
senate, shall appoint the two student trustees and successors for 13565
the trustees serving under division (A)(1) of this section. Except 13566
for the student trustees, who shall serve terms pursuant to 13567
division (B) of this section, the initial terms of office for 13568
trustees appointed under division (A)(2) of this section shall be 13569
as follows: one term ending one year after the effective date of 13570
this amendment; one term ending two years after the effective date 13571
of this amendment; one term ending three years after the effective 13572
date of this amendment; one term ending four years after the 13573
effective date of this amendment; one term ending five years after 13574
the effective date of this amendment; one term ending six years 13575
after the effective date of this amendment; one term ending seven 13576
years after the effective date of this amendment; one term ending 13577

eight years after the effective date of this amendment; one term 13578
ending nine years after the effective date of this amendment. 13579
Thereafter, terms of office shall be for nine years, as provided 13580
in division (A)(2) of this section. 13581

(B) The student members of the board of trustees of the 13582
northeastern Ohio universities college of medicine have no voting 13583
power on the board. Student members shall not be considered as 13584
members of the board in determining whether a quorum is present. 13585
Student members shall not be entitled to attend executive sessions 13586
of the board. The student members of the board shall be appointed 13587
by the governor, with the advice and consent of the senate, from a 13588
group of five candidates selected pursuant to a procedure adopted 13589
by the college's student governments and approved by the college's 13590
board of trustees. The initial term of office of one of the 13591
student members shall commence ninety days after the effective 13592
date of this amendment and shall expire on June 30, 2009, and the 13593
initial term of office of the other student member shall commence 13594
ninety days after the effective date of this amendment and shall 13595
expire on June 30, 2010. Thereafter, terms of office of student 13596
members shall be for two years, each term ending on the same day 13597
of the same month of the year as the term it succeeds. In the 13598
event that a student member cannot fulfill a two-year term, a 13599
replacement shall be selected to fill the unexpired term in the 13600
same manner used to make the original selection. 13601

Sec. 3352.02. The board of trustees of Wright state 13602
university shall annually elect from their members a ~~chairman~~ 13603
chairperson and ~~vice-chairman~~ vice-chairperson; and they may also 13604
appoint a secretary of the board, a treasurer, and such other 13605
officers of the university as the interest of the university 13606
requires, who may be members of the board. The treasurer, before 13607
entering upon the discharge of ~~his~~ official duties, shall give 13608
bond to the state or be insured for the faithful performance of 13609

~~his the treasurer's~~ duties and the proper accounting for all 13610
moneys coming into ~~his the treasurer's~~ care. The amount of said 13611
bond or insurance shall be determined by the board, but shall not 13612
be for a sum less than the estimated amount which may come into 13613
~~his the treasurer's~~ control at any time, less any reasonable 13614
deductible. ~~Said bond shall be approved by the attorney general.~~ 13615

Sec. 3353.02. (A) There is hereby created the eTech Ohio 13616
commission as an independent agency to advance education and 13617
accelerate the learning of the citizens of this state through 13618
technology. The commission shall provide leadership and support in 13619
extending the knowledge of the citizens of this state by promoting 13620
access to and use of all forms of educational technology, 13621
including educational television and radio, radio reading 13622
services, broadband networks, videotapes, compact discs, digital 13623
video on demand (DVD), and the internet. The commission also shall 13624
administer programs to provide financial and other assistance to 13625
school districts and other educational institutions for the 13626
acquisition and utilization of educational technology. 13627

The commission is a body corporate and politic, an agency of 13628
the state performing essential governmental functions of the 13629
state. 13630

(B) The commission shall consist of thirteen members, nine of 13631
whom shall be voting members. Six of the voting members shall be 13632
representatives of the public. Of the representatives of the 13633
public, four shall be appointed by the governor with the advice 13634
and consent of the senate, one shall be appointed by the speaker 13635
of the house of representatives, and one shall be appointed by the 13636
president of the senate. The superintendent of public instruction 13637
or a designee of the superintendent, the chancellor of the Ohio 13638
board of regents or a designee of the chancellor, and the ~~director~~ 13639
~~of the office of information technology~~ state chief information 13640

officer or a designee of the ~~director~~ officer shall be ex officio 13641
voting members. Of the nonvoting members, two shall be members of 13642
the house of representatives appointed by the speaker of the house 13643
of representatives and two shall be members of the senate 13644
appointed by the president of the senate. The members appointed 13645
from each chamber shall not be members of the same political 13646
party. 13647

(C) Initial terms of office for members appointed by the 13648
governor shall be one year for one member, two years for one 13649
member, three years for one member, and four years for one member. 13650
At the first meeting of the commission, members appointed by the 13651
governor shall draw lots to determine the length of the term each 13652
member will serve. Thereafter, terms of office for members 13653
appointed by the governor shall be for four years. Terms of office 13654
for voting members appointed by the speaker of the house of 13655
representatives and the president of the senate shall be for four 13656
years. Any member who is a representative of the public may be 13657
reappointed by the member's respective appointing authority, but 13658
no such member may serve more than two consecutive four-year 13659
terms. Such a member may be removed by the member's respective 13660
appointing authority for cause. 13661

Any legislative member appointed by the speaker of the house 13662
of representatives or the president of the senate who ceases to be 13663
a member of the legislative chamber from which the member was 13664
appointed shall cease to be a member of the commission. The 13665
speaker of the house of representatives and the president of the 13666
senate may remove their respective appointments to the commission 13667
at any time. 13668

(D) Vacancies among appointed members shall be filled in the 13669
manner provided for original appointments. Any member appointed to 13670
fill a vacancy occurring prior to the expiration of the term for 13671
which the member's predecessor was appointed shall hold office for 13672

the remainder of that term. Any appointed member shall continue in 13673
office subsequent to the expiration of that member's term until 13674
the member's successor takes office or until a period of sixty 13675
days has elapsed, whichever occurs first. 13676

(E) Members of the commission shall serve without 13677
compensation. The members who are representatives of the public 13678
shall be reimbursed, pursuant to office of budget and management 13679
guidelines, for actual and necessary expenses incurred in the 13680
performance of official duties. 13681

(F) The governor shall appoint the chairperson of the 13682
commission from among the commission's voting members. The 13683
chairperson shall serve a term of two years and may be 13684
reappointed. The commission shall elect other officers as 13685
necessary from among its voting members and shall prescribe its 13686
rules of procedure. 13687

(G) The commission shall establish advisory groups as needed 13688
to address topics of interest and to provide guidance to the 13689
commission regarding educational technology issues and the 13690
technology needs of educators, learners, and the public. Members 13691
of each advisory group shall be appointed by the commission and 13692
shall include representatives of individuals or organizations with 13693
an interest in the topic addressed by the advisory group. 13694

Sec. 3354.16. (A) When the board of trustees of a community 13695
college district has by resolution determined to let by contract 13696
the work of improvements pursuant to the official plan of such 13697
district, contracts in amounts exceeding a dollar amount set by 13698
the board, which dollar amount shall not exceed fifty thousand 13699
dollars, shall be advertised after notices calling for bids have 13700
been published once a week for three consecutive weeks, in at 13701
least one newspaper of general circulation within the community 13702
college district wherein the work is to be done. Subject to 13703

section 3354.10 of the Revised Code, the board of trustees of the district may let such contract to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, who meets the requirements of section 153.54 of the Revised Code. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. Such contract shall be approved by the board of trustees and signed by the president of the board and by the contractor.

(B) On the first day of January of every even-numbered year, the chancellor of the board of regents shall adjust the fifty thousand dollar contract limit set forth in division (A) of this section, as adjusted in any previous year pursuant to this division. The chancellor shall adjust the limit according to the average increase or decrease for each of the two years immediately preceding the adjustment as set forth in the United States department of commerce, bureau of ~~the census~~ economic analysis implicit price deflator for ~~construction~~ gross domestic product, nonresidential structures, or an alternative if the federal government ceases to publish this metric, provided that no increase or decrease for any year shall exceed three per cent of the contract limit in existence at the time of the adjustment. Notwithstanding division (A) of this section, the limit adjusted under this division shall be used thereafter in lieu of the limit in division (A) of this section.

(C) Before entering into an improvement pursuant to division (A) of this section, the board of trustees of a community college district shall require separate and distinct proposals to be made for furnishing materials or doing work on the improvement, or both, in the board's discretion, for each separate and distinct branch or class of work entering into the improvement. The board of trustees also may require a single, combined proposal for the

entire project for materials or doing work, or both, in the 13736
board's discretion, that includes each separate and distinct 13737
branch or class of work entering into the improvement. The board 13738
of trustees need not solicit separate proposals for a branch or 13739
class of work for an improvement if the estimate cost for that 13740
branch or class of work is less than five thousand dollars. 13741

(D) When more than one branch or class of work is required, 13742
no contract for the entire job, or for a greater portion thereof 13743
than is embraced in one such branch or class of work shall be 13744
awarded, unless the separate bids do not cover all the work and 13745
materials required or the bids for the whole or for two or more 13746
kinds of work or materials are lower than the separate bids in the 13747
aggregate. The board of trustees need not award separate contracts 13748
for a branch or class of work entering into an improvement if the 13749
estimated cost for that branch or class of work is less than five 13750
thousand dollars. 13751

Sec. 3355.12. (A) When the managing authority of the 13752
university branch district has determined to let by contract the 13753
work of improvements, contracts in amounts exceeding a dollar 13754
amount set by the managing authority, which dollar amount shall 13755
not exceed fifty thousand dollars, shall be advertised after 13756
notices calling for bids have been published once a week for three 13757
consecutive weeks, in at least one newspaper of general 13758
circulation within the university branch district wherein the work 13759
is to be done. Such managing authority may let such contract to 13760
the lowest responsive and responsible bidder, in accordance with 13761
section 9.312 of the Revised Code, who meets the requirements of 13762
section 153.54 of the Revised Code. Such contract shall be in 13763
writing and shall be accompanied by or shall refer to plans and 13764
specifications for the work to be done. Such contract shall be 13765
approved by the managing authority of the university branch 13766
district and signed by the chairperson or vice-chairperson of the 13767

managing authority and by the contractor. 13768

(B) On the first day of January of every even-numbered year, 13769
the chancellor of the board of regents shall adjust the fifty 13770
thousand dollar contract limit set forth in division (A) of this 13771
section, as adjusted in any previous year pursuant to this 13772
division. The chancellor shall adjust the limit according to the 13773
average increase or decrease for each of the two years immediately 13774
preceding the adjustment as set forth in the United States 13775
department of commerce, bureau of ~~the census~~ economic analysis 13776
implicit price deflator for construction gross domestic product, 13777
nonresidential structures, or an alternative if the federal 13778
government ceases to publish this metric, provided that no 13779
increase or decrease for any year shall exceed three per cent of 13780
the contract limit in existence at the time of the adjustment. 13781
Notwithstanding division (A) of this section, the limit adjusted 13782
under this division shall be used thereafter in lieu of the limit 13783
in division (A) of this section. 13784

(C) Before entering into an improvement pursuant to division 13785
(A) of this section, the managing authority of the university 13786
branch district shall require separate and distinct proposals to 13787
be made for furnishing materials or doing work on the improvement, 13788
or both, in the board's discretion, for each separate and distinct 13789
branch or class of work entering into the improvement. The 13790
managing authority also may require a single, combined proposal 13791
for the entire project for materials or doing work, or both, in 13792
the board's discretion, that includes each separate and distinct 13793
branch or class of work entering into the improvement. The 13794
managing authority need not solicit separate proposals for a 13795
branch or class of work for an improvement if the estimate cost 13796
for that branch or class of work is less than five thousand 13797
dollars. 13798

(D) When more than one branch or class of work is required, 13799

no contract for the entire job, or for a greater portion thereof 13800
than is embraced in one such branch or class of work shall be 13801
awarded, unless the separate bids do not cover all the work and 13802
materials required or the bids for the whole or for two or more 13803
kinds of work or materials are lower than the separate bids in the 13804
aggregate. The managing authority need not award separate 13805
contracts for a branch or class of work entering into an 13806
improvement if the estimated cost for that branch or class of work 13807
is less than five thousand dollars. 13808

Sec. 3356.02. The board of trustees of Youngstown state 13809
university shall annually elect from their members a ~~chairman~~ 13810
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 13811
also appoint a secretary of the board, a treasurer, and such other 13812
officers of the university as the interest of the university 13813
requires, who may be members of the board. The treasurer, before 13814
entering upon the discharge of ~~his~~ official duties, shall give 13815
bond to the state or be insured for faithful performance of ~~his~~ 13816
the treasurer's duties and the proper accounting for all moneys 13817
coming into ~~his~~ the treasurer's care. The amount of said bond or 13818
insurance shall be determined by the board, but shall not be for a 13819
sum less than the estimated amount which may come into ~~his~~ the 13820
treasurer's control at any time, less any reasonable deductible. 13821
~~Said bond shall be approved by the attorney general.~~ 13822

Sec. 3357.16. (A) When the board of trustees of a technical 13823
college district has by resolution determined to let by contract 13824
the work of improvements pursuant to the official plan of such 13825
district, contracts in amounts exceeding a dollar amount set by 13826
the board, which dollar amount shall not exceed fifty thousand 13827
dollars, shall be advertised after notice calling for bids has 13828
been published once a week for three consecutive weeks, in at 13829
least one newspaper of general circulation within the technical 13830

college district where the work is to be done. The board of 13831
trustees of the technical college district may let such contract 13832
to the lowest responsive and responsible bidder, in accordance 13833
with section 9.312 of the Revised Code, who meets the requirements 13834
of section 153.54 of the Revised Code. Such contract shall be in 13835
writing and shall be accompanied by or shall refer to plans and 13836
specifications for the work to be done. Such contract shall be 13837
approved by the board of trustees and signed by the president of 13838
the board and by the contractor. 13839

(B) On the first day of January of every even-numbered year, 13840
the chancellor of the board of regents shall adjust the fifty 13841
thousand dollar contract limit set forth in division (A) of this 13842
section, as adjusted in any previous year pursuant to this 13843
division. The chancellor shall adjust the limit according to the 13844
average increase or decrease for each of the two years immediately 13845
preceding the adjustment as set forth in the United States 13846
department of commerce, bureau of ~~the census~~ economic analysis 13847
implicit price deflator for construction gross domestic product, 13848
nonresidential structures, or an alternative if the federal 13849
government ceases to publish this metric, provided that no 13850
increase or decrease for any year shall exceed three per cent of 13851
the contract limit in existence at the time of the adjustment. 13852
Notwithstanding division (A) of this section, the limit adjusted 13853
under this division shall be used thereafter in lieu of the limit 13854
in division (A) of this section. 13855

(C) Before entering into an improvement pursuant to division 13856
(A) of this section, the board of trustees of a technical college 13857
district shall require separate and distinct proposals to be made 13858
for furnishing materials or doing work on the improvement, or 13859
both, in the board's discretion, for each separate and distinct 13860
branch or class of work entering into the improvement. The board 13861
of trustees also may require a single, combined proposal for the 13862

entire project for materials or doing work, or both, in the 13863
board's discretion, that includes each separate and distinct 13864
branch or class of work entering into the improvement. The board 13865
of trustees need not solicit separate proposals for a branch or 13866
class of work for an improvement if the estimate cost for that 13867
branch or class of work is less than five thousand dollars. 13868

(D) When more than one branch or class of work is required, 13869
no contract for the entire job, or for a greater portion thereof 13870
than is embraced in one such branch or class of work shall be 13871
awarded, unless the separate bids do not cover all the work and 13872
materials required or the bids for the whole or for two or more 13873
kinds of work or materials are lower than the separate bids in the 13874
aggregate. The board of trustees need not award separate contracts 13875
for a branch or class of work entering into an improvement if the 13876
estimated cost for that branch or class of work is less than five 13877
thousand dollars. 13878

Sec. 3359.02. The board of trustees of the university of 13879
Akron shall annually elect from their members a ~~chairman~~ 13880
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 13881
also appoint a secretary of the board, a treasurer, and such other 13882
officers of the university as the interest of the university 13883
requires, who may be members of the board. The treasurer, before 13884
entering upon the discharge of ~~his~~ official duties, shall give 13885
bond to the state or be insured for the faithful performance of 13886
~~his~~ the treasurer's duties and the proper accounting for all 13887
moneys coming into ~~his~~ the treasurer's care. The amount of said 13888
bonds or insurance shall be determined by the board, but shall not 13889
be for a sum less than the estimated amount which may come into 13890
~~his~~ the treasurer's control at any time, less any reasonable 13891
deductible. ~~Said bond shall be approved by the attorney general.~~ 13892

Sec. 3361.02. The board of trustees of the university of 13893

Cincinnati shall annually elect from their members a ~~chairman~~ 13894
chairperson and a ~~vice-chairman~~ vice-chairperson, and they may 13895
also appoint a secretary of the board, a treasurer, and such other 13896
officers of the university as the interests of the university 13897
require, who may be members of the board. The treasurer, before 13898
entering upon the discharge of ~~his~~ official duties, shall give 13899
bond to the state or be insured for the faithful performance of 13900
~~his~~ the treasurer's duties and the proper accounting for all 13901
moneys coming into ~~his~~ the treasurer's care. The amount of said 13902
bond or insurance shall be determined by the board, but shall not 13903
be for a sum less than the estimated amount which may come into 13904
~~his~~ the treasurer's control at any time, less any reasonable 13905
deductible. ~~Said bond shall be approved by the attorney general.~~ 13906

Sec. 3364.02. The board of trustees of the university of 13907
Toledo annually shall elect from among its members a chairperson 13908
and a vice-chairperson, and also may appoint a secretary of the 13909
board, a treasurer, and such other officers of the university as 13910
the interest of the university requires, who may be members of the 13911
board. The treasurer, before entering upon the discharge of 13912
official duties, shall give bond to the state or be insured for 13913
the faithful performance of the treasurer's duties and the proper 13914
accounting for all moneys coming into the treasurer's care. The 13915
amount of that bond or insurance shall be determined by the board, 13916
but shall not be for a sum less than the estimated amount which 13917
may come into the treasurer's control at any time, less any 13918
reasonable deductible. 13919

Sec. 3365.15. The program known as "seniors to sophomores," 13920
or any successor name, shall permit nonpublic school students to 13921
participate. 13922

Sec. 3501.17. (A) The expenses of the board of elections 13923

shall be paid from the county treasury, in pursuance of 13924
appropriations by the board of county commissioners, in the same 13925
manner as other county expenses are paid. If the board of county 13926
commissioners fails to appropriate an amount sufficient to provide 13927
for the necessary and proper expenses of the board of elections 13928
pertaining to the conduct of elections, the board of elections may 13929
apply to the court of common pleas within the county, which shall 13930
fix the amount necessary to be appropriated and the amount shall 13931
be appropriated. Payments shall be made upon vouchers of the board 13932
of elections certified to by its chairperson or acting chairperson 13933
and the director or deputy director, upon warrants of the county 13934
auditor. 13935

The board of elections shall not incur any obligation 13936
involving the expenditure of money unless there are moneys 13937
sufficient in the funds appropriated therefor to meet the 13938
obligation. If the board of elections requests a transfer of funds 13939
from one of its appropriation items to another, the board of 13940
county commissioners shall adopt a resolution providing for the 13941
transfer except as otherwise provided in section 5705.40 of the 13942
Revised Code. The expenses of the board of elections shall be 13943
apportioned among the county and the various subdivisions as 13944
provided in this section, and the amount chargeable to each 13945
subdivision shall be withheld by the auditor from the moneys 13946
payable thereto at the time of the next tax settlement. At the 13947
time of submitting budget estimates in each year, the board of 13948
elections shall submit to the taxing authority of each 13949
subdivision, upon the request of the subdivision, an estimate of 13950
the amount to be withheld from the subdivision during the next 13951
fiscal year. 13952

(B) Except as otherwise provided in division (F) of this 13953
section, the compensation of the members of the board of elections 13954
and of the director, deputy director, and regular employees in the 13955

board's offices, other than compensation for overtime worked; the 13956
expenditures for the rental, furnishing, and equipping of the 13957
office of the board and for the necessary office supplies for the 13958
use of the board; the expenditures for the acquisition, repair, 13959
care, and custody of the polling places, booths, guardrails, and 13960
other equipment for polling places; the cost of tally sheets, 13961
maps, flags, ballot boxes, and all other permanent records and 13962
equipment; the cost of all elections held in and for the state and 13963
county; and all other expenses of the board which are not 13964
chargeable to a political subdivision in accordance with this 13965
section shall be paid in the same manner as other county expenses 13966
are paid. 13967

(C) The compensation of judges of elections and intermittent 13968
employees in the board's offices; the cost of renting, moving, 13969
heating, and lighting polling places and of placing and removing 13970
ballot boxes and other fixtures and equipment thereof, including 13971
voting machines, marking devices, and automatic tabulating 13972
equipment; the cost of printing and delivering ballots, cards of 13973
instructions, registration lists required under section 3503.23 of 13974
the Revised Code, and other election supplies, including the 13975
supplies required to comply with division (H) of section 3506.01 13976
of the Revised Code; the cost of contractors engaged by the board 13977
to prepare, program, test, and operate voting machines, marking 13978
devices, and automatic tabulating equipment; and all other 13979
expenses of conducting primaries and elections in the odd-numbered 13980
years shall be charged to the subdivisions in and for which such 13981
primaries or elections are held. The charge for each primary or 13982
general election in odd-numbered years for each subdivision shall 13983
be determined in the following manner: first, the total cost of 13984
all chargeable items used in conducting such elections shall be 13985
ascertained; second, the total charge shall be divided by the 13986
number of precincts participating in such election, in order to 13987
fix the cost per precinct; third, the cost per precinct shall be 13988

prorated by the board of elections to the subdivisions conducting 13989
elections for the nomination or election of offices in such 13990
precinct; fourth, the total cost for each subdivision shall be 13991
determined by adding the charges prorated to it in each precinct 13992
within the subdivision. 13993

(D) The entire cost of special elections held on a day other 13994
than the day of a primary or general election, both in 13995
odd-numbered or in even-numbered years, shall be charged to the 13996
subdivision. Where a special election is held on the same day as a 13997
primary or general election in an even-numbered year, the 13998
subdivision submitting the special election shall be charged only 13999
for the cost of ballots and advertising. Where a special election 14000
is held on the same day as a primary or general election in an 14001
odd-numbered year, the subdivision submitting the special election 14002
shall be charged for the cost of ballots and advertising for such 14003
special election, in addition to the charges prorated to such 14004
subdivision for the election or nomination of candidates in each 14005
precinct within the subdivision, as set forth in the preceding 14006
paragraph. 14007

(E) Where a special election is held on the day specified by 14008
division (E) of section 3501.01 of the Revised Code for the 14009
holding of a primary election, for the purpose of submitting to 14010
the voters of the state constitutional amendments proposed by the 14011
general assembly, and a subdivision conducts a special election on 14012
the same day, the entire cost of the special election shall be 14013
divided proportionally between the state and the subdivision based 14014
upon a ratio determined by the number of issues placed on the 14015
ballot by each, except as otherwise provided in division (G) of 14016
this section. Such proportional division of cost shall be made 14017
only to the extent funds are available for such purpose from 14018
amounts appropriated by the general assembly to the secretary of 14019
state. If a primary election is also being conducted in the 14020

subdivision, the costs shall be apportioned as otherwise provided 14021
in this section. 14022

(F) When a precinct is open during a general, primary, or 14023
special election solely for the purpose of submitting to the 14024
voters a statewide ballot issue, the state shall bear the entire 14025
cost of the election in that precinct and shall reimburse the 14026
county for all expenses incurred in opening the precinct. 14027

(G) The state shall bear the entire cost of advertising in 14028
newspapers statewide ballot issues, explanations of those issues, 14029
and arguments for or against those issues, as required by Section 14030
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 14031
and any other section of law. ~~The Ohio ballot board~~ Appropriations 14032
made to the controlling board shall be used to reimburse the 14033
secretary of state for all expenses the secretary of state incurs 14034
for such advertising under division (G) of section 3505.062 of the 14035
Revised Code. 14036

(H) The cost of renting, heating, and lighting registration 14037
places; the cost of the necessary books, forms, and supplies for 14038
the conduct of registration; and the cost of printing and posting 14039
precinct registration lists shall be charged to the subdivision in 14040
which such registration is held. 14041

(I) At the request of a majority of the members of the board 14042
of elections, the board of county commissioners may, by 14043
resolution, establish an elections revenue fund. Except as 14044
otherwise provided in this division, the purpose of the fund shall 14045
be to accumulate revenue withheld by or paid to the county under 14046
this section for the payment of any expense related to the duties 14047
of the board of elections specified in section 3501.11 of the 14048
Revised Code, upon approval of a majority of the members of the 14049
board of elections. The fund shall not accumulate any revenue 14050
withheld by or paid to the county under this section for the 14051
compensation of the members of the board of elections or of the 14052

director, deputy director, or other regular employees in the 14053
board's offices, other than compensation for overtime worked. 14054

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 14055
Revised Code, the board of county commissioners may, by 14056
resolution, transfer money to the elections revenue fund from any 14057
other fund of the political subdivision from which such payments 14058
lawfully may be made. Following an affirmative vote of a majority 14059
of the members of the board of elections, the board of county 14060
commissioners may, by resolution, rescind an elections revenue 14061
fund established under this division. If an elections revenue fund 14062
is rescinded, money that has accumulated in the fund shall be 14063
transferred to the county general fund. 14064

(J) As used in this section: 14065

(1) "Political subdivision" and "subdivision" mean any board 14066
of county commissioners, board of township trustees, legislative 14067
authority of a municipal corporation, board of education, or any 14068
other board, commission, district, or authority that is empowered 14069
to levy taxes or permitted to receive the proceeds of a tax levy, 14070
regardless of whether the entity receives tax settlement moneys as 14071
described in division (A) of this section; 14072

(2) "Statewide ballot issue" means any ballot issue, whether 14073
proposed by the general assembly or by initiative or referendum, 14074
that is submitted to the voters throughout the state. 14075

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 14076
Revised Code: 14077

(A) "Primary care physician" means an individual who is 14078
authorized under Chapter 4731. of the Revised Code to practice 14079
medicine and surgery or osteopathic medicine and surgery and is 14080
board certified or board eligible in a primary care specialty. 14081

(B) "Primary care service" means professional comprehensive 14082

personal health services, which may include health education and 14083
disease prevention, treatment of uncomplicated health problems, 14084
diagnosis of chronic health problems, overall management of health 14085
care services for an individual or a family, and the services of a 14086
psychiatrist. "Primary care service" also includes providing the 14087
initial contact for health care services and making referrals for 14088
secondary and tertiary care and for continuity of health care 14089
services. 14090

(C) "Primary care specialty" means general internal medicine, 14091
pediatrics, adolescent medicine, obstetrics and gynecology, 14092
psychiatry, child and adolescent psychiatry, geriatric psychiatry, 14093
combined internal medicine and pediatrics, geriatrics, or family 14094
practice. 14095

Sec. 3702.72. (A) A primary care physician who will not have 14096
an outstanding obligation for medical service to the federal 14097
government, a state, or other entity at the time of participation 14098
in the physician loan repayment program and meets one of the 14099
following requirements may apply for participation in the 14100
physician loan repayment program: 14101

(1) The primary care physician is enrolled in the final year 14102
of an accredited program required for board certification in a 14103
primary care specialty. 14104

(2) The primary care physician is enrolled in the final year 14105
of a fellowship program in a primary care specialty. 14106

(3) The primary care physician holds a valid certificate to 14107
practice medicine and surgery or osteopathic medicine and surgery 14108
issued under Chapter 4731. of the Revised Code. 14109

(B) An application for participation in the physician loan 14110
repayment program shall be submitted to the director of health on 14111
a form that the director shall prescribe. The information required 14112

to be submitted with an application includes the following: 14113

(1) The applicant's name, permanent address or address at 14114
which the applicant is currently residing if different from the 14115
permanent address, and telephone number; 14116

(2) The applicant's primary care specialty or specialties; 14117

(3) The medical school or osteopathic medical school the 14118
applicant attended, the dates of attendance, and verification of 14119
attendance; 14120

(4) The facility or institution where the applicant's medical 14121
residency program was completed or is being performed, and, if 14122
completed, the date of completion; 14123

(5) If applicable, the facility or institution where the 14124
applicant's fellowship was completed or is being performed, and, 14125
if completed, the date of completion; 14126

(6) A summary and verification of the educational expenses 14127
for which the applicant seeks reimbursement under the program; 14128

~~(6)~~(7) Verification of the applicant's authorization under 14129
Chapter 4731. of the Revised Code to practice medicine and surgery 14130
or osteopathic medicine and surgery; 14131

~~(7)~~(8) Verification of the applicant's United States 14132
citizenship or status as a legal alien. 14133

Sec. 3702.73. If funds are available in the physician loan 14134
repayment fund created under section 3702.78 of the Revised Code 14135
and the general assembly has appropriated funds for the physician 14136
loan repayment program, the director of health shall approve an 14137
applicant for participation in the program if the director finds 14138
that, in accordance with the priorities established under section 14139
3702.77 of the Revised Code, the applicant is eligible for 14140
participation in the program and the applicant's primary care 14141
specialty is needed in a health resource shortage area. 14142

Upon approval, the director shall notify and enter into 14143
discussions with the applicant. The object of the discussions is 14144
to facilitate the recruitment of the applicant to a site within a 14145
health resource shortage area at which, according to the 14146
priorities established under section 3702.77 of the Revised Code, 14147
the applicant's primary care specialty is most needed. 14148

If the director and applicant agree on the applicant's 14149
placement at a particular site within a health resource shortage 14150
area, the applicant shall prepare, sign, and deliver to the 14151
director a letter of intent agreeing to that placement. 14152

Sec. 3702.74. (A) A primary care physician who has signed a 14153
letter of intent under section 3702.73 of the Revised Code, and 14154
~~the director of health, and the Ohio board of regents~~ may enter 14155
into a contract for the physician's participation in the physician 14156
loan repayment program. ~~A lending institution~~ The physician's 14157
employer or other funding source may also be a party to the 14158
contract. 14159

(B) The contract shall include all of the following 14160
obligations: 14161

(1) The primary care physician agrees to provide primary care 14162
services in the health resource shortage area identified in the 14163
letter of intent for at least two years ~~or one year per twenty~~ 14164
~~thousand dollars of repayment agreed to under division (B)(3) of~~ 14165
~~this section, whichever is greater;~~ 14166

(2) When providing primary care services in the health 14167
resource shortage area, the primary care physician agrees to do 14168
all of the following: 14169

(a) Provide primary care services for a minimum of forty 14170
hours per week, of which at least twenty-one hours will be spent 14171
providing patient care in an outpatient or ambulatory setting; 14172

(b) Provide primary care services without regard to a patient's ability to pay;

(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the department of job and family services for participation in the ~~medical assistance~~ medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of the medical assistance program;

(d) Meet the conditions established by the department of job and family services for participation in the disability medical assistance program established under Chapter 5115. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of disability medical assistance.

(3) The ~~Ohio board of regents~~ department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;

(4) The primary care physician agrees to pay the ~~board the following as damages~~ department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section;

~~(a) If the failure occurs during the first two years of the service obligation, three times the total amount the board has agreed to repay under division (B)(3) of this section;~~

~~(b) If the failure occurs after the first two years of the~~

~~service obligation, three times the amount the board is still 14204
obligated to repay under division (B)(3) of this section. 14205~~

~~(C) The contract may include any other terms agreed upon by 14206
the parties, including an assignment to the Ohio board of regents 14207
of the physician's duty to pay the principal and interest of a 14208
government or other educational loan taken by the physician for 14209
expenses described in section 3702.75 of the Revised Code. If the 14210
board assumes the physician's duty to pay a loan, the contract 14211
shall set forth the total amount of principal and interest to be 14212
paid, an amortization schedule, and the amount of each payment to 14213
be made under the schedule. 14214~~

Sec. 3702.75. There is hereby created the physician loan 14215
repayment program. Under the program, the ~~Ohio board of regents~~ 14216
department of health, by means of a contract provision under 14217
division (B)(3) of section 3702.74 of the Revised Code, may agree 14218
to repay all or part of the principal and interest of a government 14219
or other educational loan taken by a primary care physician for 14220
the following expenses, so long as the expenses were incurred 14221
while the physician was enrolled in, for up to a maximum of four 14222
years, a medical school or osteopathic medical school in the 14223
United States that was, during the time enrolled, accredited by 14224
the liaison committee on medical education or the American 14225
osteopathic association, or a medical school or osteopathic 14226
medical school located outside the United States that was, during 14227
the time enrolled, acknowledged by the world health organization 14228
and verified by a member state of that organization as operating 14229
within the state's jurisdiction: 14230

(A) Tuition; 14231

(B) Other educational expenses, such as fees, books, and 14232
laboratory expenses, for specific purposes and in amounts 14233
determined to be reasonable by the director of health; 14234

(C) Room and board, in an amount determined reasonable by the 14235
director of health. 14236

~~No~~ In the first and second years, no repayment shall exceed 14237
~~twenty~~ twenty-five thousand dollars in ~~any~~ each year. In the third 14238
and fourth years, no repayment shall exceed thirty-five thousand 14239
dollars in each year. If, however, a repayment results in an 14240
increase in the primary care physician's federal, state, or local 14241
income tax liability, ~~the Ohio board of regents,~~ at the 14242
physician's request ~~and with the approval of the director of~~ 14243
~~health,~~ the department may reimburse the physician for the 14244
increased tax liability, regardless of the amount of the repayment 14245
made to the physician in that year. 14246

Not later than the thirty-first day of January each year, the 14247
~~Ohio board of regents~~ department shall mail to each physician to 14248
whom or on whose behalf repayment is made under this section a 14249
statement showing the amount ~~of principal and interest~~ repaid by 14250
the ~~board~~ department pursuant to the contract in the preceding 14251
year. The statement shall be sent by ordinary mail with address 14252
correction and forwarding requested in the manner prescribed by 14253
the United States postal service. 14254

Sec. 3702.78. The director of health may accept gifts of 14255
money from any source for the implementation and administration of 14256
sections 3702.72 to 3702.77 of the Revised Code. ~~The Ohio board of~~ 14257
~~regents may accept gifts of money from any source for~~ 14258
~~implementation and administration of the physician loan repayment~~ 14259
~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 14260

The director shall pay all gifts accepted under this section 14261
into the state treasury, to the credit of the health resource 14262
shortage area fund, which is hereby created. ~~The board shall pay,~~ 14263
and ~~all gifts accepted under this section,~~ and damages collected 14264
under division (B)(4) of section 3702.74 of the Revised Code, into 14265

the state treasury, to the credit of the physician loan repayment fund, which is hereby created. 14266
14267

The director shall use the health resource shortage area ~~fund~~ and the physician loan repayment funds for the implementation and administration of sections 3702.72 to 3702.77 of the Revised Code. 14268
14269
14270
~~The board shall use the physician loan repayment fund for the implementation and administration of the physician loan repayment program under sections 3702.74 and 3702.75 of the Revised Code.~~ 14271
14272
14273

Sec. 3702.79. The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules as necessary to implement and administer sections 3702.71 to 3702.78 of the Revised Code. In preparing rules, the director shall consult with the ~~Ohio board of regents and the physician loan repayment advisory board.~~ 14274
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Sec. 3702.81. There is hereby created the physician loan repayment advisory board. The board shall consist of ~~eleven~~ ten members as follows: 14280
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14282

(A) The following ~~six~~ five members appointed by the governor: a representative of ~~the department of health, a representative of the Ohio academy of family practice, a representative of the board of regents, a representative of the Ohio association of community health centers, a representative of the Ohio state medical association, and a representative of the Ohio osteopathic association;~~ 14283
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(B) Two members of the house of representatives, one from each political party, appointed by the speaker of the house of representatives; 14290
14291
14292

(C) Two members of the senate, one from each political party, appointed by the president of the senate. 14293
14294

(D) The director of health or an employee of the department 14295

of health designated by the director. 14296

Of the initial appointments made by the governor, three shall 14297
be for terms ending June 30, 1994, and four shall be for terms 14298
ending June 30, 1995. Of the initial appointments made by the 14299
speaker of the house of representatives, one shall be for a term 14300
ending June 30, 1994, and one shall be for a term ending June 30, 14301
1995. Of the initial appointments made by the president of the 14302
senate, one shall be for a term ending June 30, 1994, and one 14303
shall be for a term ending June 30, 1995. Thereafter, terms of 14304
office shall be two years, commencing on the first day of July and 14305
ending on the thirtieth day of June. Each member shall hold office 14306
from the date of appointment until the end of the term for which 14307
the member was appointed, except that a legislative member ceases 14308
to be a member of the board upon ceasing to be a member of the 14309
general assembly. 14310

Vacancies shall be filled in the manner prescribed for the 14311
original appointment. A member appointed to fill a vacancy 14312
occurring prior to the expiration of the term for which the 14313
member's predecessor was appointed shall hold office for the 14314
remainder of that term. A member shall continue in office 14315
subsequent to the expiration of the member's term until a 14316
successor takes office or until sixty days have elapsed, whichever 14317
occurs first. No person shall be appointed to the board for more 14318
than two consecutive terms. 14319

The governor, speaker, ~~or~~ president, or director may remove a 14320
member for whom the governor, speaker, ~~or~~ president, or director 14321
was the appointing authority, for misfeasance, malfeasance, or 14322
willful neglect of duty. 14323

The ~~governor board~~ shall designate a member ~~of the board~~ to 14324
serve as chairperson of the board. 14325

The board shall meet at least once annually. The chairperson 14326

shall call special meetings as needed or upon the request of six 14327
members. 14328

Six members of the board constitute a quorum to transact and 14329
vote on all business coming before the board. 14330

Members of the board shall serve without compensation. 14331

The department of health shall provide the board with staff 14332
assistance as requested by the board. 14333

Sec. 3702.85. There is hereby created the dentist loan 14334
repayment program, which shall be administered by the department 14335
of health in cooperation with ~~the board of regents and~~ the dentist 14336
loan repayment advisory board. The program shall provide loan 14337
repayment on behalf of individuals who agree to provide dental 14338
services in areas designated as dental health resource shortage 14339
areas by the director of health pursuant to section 3702.87 of the 14340
Revised Code. 14341

Under the program, the ~~Ohio board~~ department of ~~regents~~ 14342
health, by means of a contract entered into under section 3702.91 14343
of the Revised Code, may agree to repay all or part of the 14344
principal and interest of a government or other educational loan 14345
taken by an individual for the following expenses incurred while 14346
the individual was enrolled in an accredited dental college or a 14347
dental college located outside of the United States that meets the 14348
standards of section 4715.11 of the Revised Code: 14349

(A) Tuition; 14350

(B) Other educational expenses, such as fees, books, and 14351
laboratory expenses that are for purposes and in amounts 14352
determined reasonable by the director of health; 14353

(C) Room and board, in an amount determined reasonable by the 14354
director of health. 14355

Sec. 3702.86. The director of health, in accordance with 14356
Chapter 119. of the Revised Code, shall adopt rules as necessary 14357
to implement and administer sections 3702.85 to 3702.95 of the 14358
Revised Code. In preparing rules, the director shall consult with 14359
~~the Ohio board of regents and~~ the dentist loan repayment advisory 14360
board. 14361

Sec. 3702.91. (A) An individual who has signed a letter of 14362
intent under section 3702.90 of the Revised Code may enter into a 14363
contract with the director of health ~~and the Ohio board of regents~~ 14364
for participation in the dentist loan repayment program. A lending 14365
institution may also be a party to the contract. 14366

(B) The contract shall include all of the following 14367
obligations: 14368

(1) The individual agrees to provide dental services in the 14369
dental health resource shortage area identified in the letter of 14370
intent for at least one year. 14371

(2) When providing dental services in the dental health 14372
resource shortage area, the individual agrees to do all of the 14373
following: 14374

(a) Provide dental services for a minimum of forty hours per 14375
week; 14376

(b) Provide dental services without regard to a patient's 14377
ability to pay; 14378

(c) Meet the conditions prescribed by the "Social Security 14379
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the 14380
department of job and family services for participation in the 14381
medicaid program established under Chapter 5111. of the Revised 14382
Code and enter into a contract with the department to provide 14383
dental services to medicaid recipients. 14384

(3) The ~~Ohio board of regents~~ department of health agrees, as 14385
provided in section 3702.85 of the Revised Code, to repay, so long 14386
as the individual performs the service obligation agreed to under 14387
division (B)(1) of this section, all or part of the principal and 14388
interest of a government or other educational loan taken by the 14389
individual for expenses described in section 3702.85 of the 14390
Revised Code up to but not exceeding twenty thousand dollars per 14391
year of service. 14392

(4) The individual agrees to pay the ~~board~~ department of 14393
health the following as damages if the individual fails to 14394
complete the service obligation agreed to under division (B)(1) of 14395
this section: 14396

(a) If the failure occurs during the first two years of the 14397
service obligation, three times the total amount the ~~board~~ 14398
department has agreed to repay under division (B)(3) of this 14399
section; 14400

(b) If the failure occurs after the first two years of the 14401
service obligation, three times the amount the ~~board~~ department is 14402
still obligated to repay under division (B)(3) of this section. 14403

(C) The contract may include any other terms agreed upon by 14404
the parties, including an assignment to the ~~Ohio board of regents~~ 14405
department of health of the individual's duty to pay the principal 14406
and interest of a government or other educational loan taken by 14407
the individual for expenses described in section 3702.85 of the 14408
Revised Code. If the ~~board~~ department assumes the individual's 14409
duty to pay a loan, the contract shall set forth the total amount 14410
of principal and interest to be paid, an amortization schedule, 14411
and the amount of each payment to be made under the schedule. 14412

(D) Not later than the thirty-first day of January of each 14413
year, the ~~Ohio board of regents~~ department of health shall mail to 14414
each individual to whom or on whose behalf repayment is made under 14415

the dentist loan repayment program a statement showing the amount 14416
of principal and interest repaid by the ~~board~~ department pursuant 14417
to the contract in the preceding year. The statement shall be sent 14418
by ordinary mail with address correction and forwarding requested 14419
in the manner prescribed by the United States postal service. 14420

Sec. 3702.93. The dentist loan repayment advisory board shall 14421
determine the amounts that will be paid as loan repayments on 14422
behalf of participants in the dentist loan repayment program. No 14423
repayment shall exceed twenty thousand dollars in any year, except 14424
that if a repayment results in an increase in the participant's 14425
federal, state, or local income tax liability, the ~~Ohio board of~~ 14426
~~regents~~ department of health, at the participant's request and 14427
with the approval of the director of health, may reimburse the 14428
participant for the increased tax liability, regardless of the 14429
amount of the repayment in that year. Total repayment on behalf of 14430
a participant shall not exceed eighty thousand dollars over the 14431
time of participation in the program. 14432

Sec. 3702.95. The director of health may accept gifts of 14433
money from any source for the implementation and administration of 14434
sections 3702.85 to 3702.93 of the Revised Code. ~~The Ohio board of~~ 14435
~~regents may accept gifts of money from any source for~~ 14436
~~implementation and administration of the dentist loan repayment~~ 14437
~~program under sections 3702.85 and 3702.91 of the Revised Code.~~ 14438

The director shall pay all gifts accepted under this section 14439
into the state treasury, to the credit of the dental health 14440
resource shortage area fund, which is hereby created. ~~The board~~ 14441
~~shall pay, and all gifts accepted under this section, and damages~~ 14442
collected under division (B)(4) of section 3702.91 of the Revised 14443
Code, into the state treasury, to the credit of the dentist loan 14444
repayment fund, which is hereby created. 14445

The director shall use the dental health resource shortage
area ~~fund and dentist loan repayment funds~~ for the implementation
and administration of sections 3702.85 ~~and 3702.87 to 3702.93 to~~
3702.95 of the Revised Code. ~~The board shall use the dentist loan~~
~~repayment fund for the implementation and administration of the~~
~~dentist loan repayment program under sections 3702.85 and 3702.91~~
~~of the Revised Code.~~

Sec. 3703.01. (A) Except as otherwise provided in this
section, the division of industrial compliance in the department
of commerce shall do all of the following:

(1) Inspect all nonresidential buildings within the meaning
of section 3781.06 of the Revised Code;

(2) Condemn all unsanitary or defective plumbing that is
found in connection with those places;

(3) Order changes in plumbing necessary to insure the safety
of the public health.

(B)(1)(a) The division of industrial compliance, boards of
health of city and general health districts, and county building
departments shall not inspect plumbing or collect fees for
inspecting plumbing in particular types of buildings in any
municipal corporation that is certified by the board of building
standards under section 3781.10 of the Revised Code to exercise
enforcement authority for plumbing in those types of buildings.

(b) The division shall not inspect plumbing or collect fees
for inspecting plumbing in particular types of buildings in any
health district that employs one or more plumbing inspectors
certified pursuant to division (D) of this section to enforce
Chapters 3781. and 3791. of the Revised Code and the rules adopted
pursuant to those chapters relating to plumbing in those types of
buildings.

(c) The division shall not inspect plumbing or collect fees 14476
for inspecting plumbing in particular types of buildings in any 14477
health district where the county building department is authorized 14478
to inspect those types of buildings pursuant to a contract 14479
described in division (C)(1) of this section. 14480

(d) The division shall not inspect plumbing or collect fees 14481
for inspecting plumbing in particular types of buildings in any 14482
health district where the board of health has entered into a 14483
contract with the board of health of another district to conduct 14484
inspections pursuant to division (C)(2) of this section. 14485

(2) No county building department shall inspect plumbing or 14486
collect fees for inspecting plumbing in any type of building in a 14487
health district unless the department is authorized to inspect 14488
that type of building pursuant to a contract described in division 14489
(C)(1) of this section. 14490

(3) No municipal corporation shall inspect plumbing or 14491
collect fees for inspecting plumbing in types of buildings for 14492
which it is not certified by the board of building standards under 14493
section 3781.10 of the Revised Code to exercise enforcement 14494
authority. 14495

(4) No board of health of a health district shall inspect 14496
plumbing or collect fees for inspecting plumbing in types of 14497
buildings for which it does not have a plumbing inspector 14498
certified pursuant to division (D) of this section. 14499

(C)(1) The board of health of a health district may enter 14500
into a contract with a board of county commissioners to authorize 14501
the county building department to inspect plumbing in buildings 14502
within the health district. The contract may designate that the 14503
department inspect either residential or nonresidential buildings, 14504
as those terms are defined in section 3781.06 of the Revised Code, 14505
or both types of buildings, so long as the department employs or 14506

contracts with a plumbing inspector certified pursuant to division 14507
(D) of this section to inspect the types of buildings the contract 14508
designates. The board of health may enter into a contract 14509
regardless of whether the health district employs any certified 14510
plumbing inspectors to enforce Chapters 3781. and 3791. of the 14511
Revised Code. 14512

(2) The board of health of a health district, regardless of 14513
whether it employs any certified plumbing inspectors to enforce 14514
Chapters 3781. and 3791. of the Revised Code, may enter into a 14515
contract with the board of health of another health district to 14516
authorize that board to inspect plumbing in buildings within the 14517
contracting board's district. The contract may designate the 14518
inspection of either residential or nonresidential buildings as 14519
defined in section 3781.06 of the Revised Code, or both types of 14520
buildings, so long as the board that performs the inspections 14521
employs a plumbing inspector certified pursuant to division (D) of 14522
this section to inspect the types of buildings the contract 14523
designates. 14524

(D) The superintendent of industrial compliance shall adopt 14525
rules prescribing minimum qualifications based on education, 14526
training, experience, or demonstrated ability, that the 14527
superintendent shall use in certifying or recertifying plumbing 14528
inspectors to do plumbing inspections for health districts and 14529
county building departments that are authorized to perform 14530
inspections pursuant to a contract under division (C)(1) of this 14531
section, and for continuing education of plumbing inspectors. 14532
Those minimum qualifications shall be related to the types of 14533
buildings for which a person seeks certification. 14534

(E) The superintendent may enter into reciprocal 14535
registration, licensure, or certification agreements with other 14536
states and other agencies of this state relative to plumbing 14537
inspectors if both of the following apply: 14538

(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.

(2) The other state or agency extends similar reciprocity to persons certified under this chapter.

(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;

(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;

(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.

(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters.

(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health.

~~Sec. 3734.821. Beginning on the effective date of this section~~ Beginning on the effective date of this amendment and ending on June 30, 2011, at least sixty-five per cent of the

moneys collected under division (A)(2) of section 3734.901 of the Revised Code and deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code shall be expended for clean-up and removal activities at the ~~Kirby Goss~~ Wyandot Muskingum tire site in Wyandot Muskingum county or other tire sites in the state.

Sec. 3735.67. (A) The owner of real property located in a community reinvestment area and eligible for exemption from taxation under a resolution adopted pursuant to section 3735.66 of the Revised Code may file an application for an exemption from real property taxation of a percentage of the assessed valuation of a new structure or remodeling, completed after the effective date of the resolution adopted pursuant to section 3735.66 of the Revised Code, with the housing officer designated pursuant to section 3735.66 of the Revised Code for the community reinvestment area in which the property is located. If any part of the new structure or remodeling that would be exempted is of real property to be used for commercial or industrial purposes, the legislative authority and the owner of the property shall enter into a written agreement pursuant to section 3735.671 of the Revised Code prior to commencement of construction or remodeling; if such an agreement is subject to approval by the board of education of the school district within the territory of which the property is or will be located, the agreement shall not be formally approved by the legislative authority until the board of education approves the agreement in the manner prescribed by that section.

(B) The housing officer shall verify the construction of the new structure or the cost of the remodeling and the facts asserted in the application. The housing officer shall determine whether the construction or the cost of the remodeling meets the requirements for an exemption under this section. In cases

involving a structure of historical or architectural significance, 14600
the housing officer shall not determine whether the remodeling 14601
meets the requirements for a tax exemption unless the 14602
appropriateness of the remodeling has been certified, in writing, 14603
by the society, association, agency, or legislative authority that 14604
has designated the structure or by any organization or person 14605
authorized, in writing, by such society, association, agency, or 14606
legislative authority to certify the appropriateness of the 14607
remodeling. 14608

(C) If the construction or remodeling meets the requirements 14609
for exemption, the housing officer shall forward the application 14610
to the county auditor with a certification as to the division of 14611
this section under which the exemption is granted, and the period 14612
and percentage of the exemption as determined by the legislative 14613
authority pursuant to that division. If the construction or 14614
remodeling is of commercial or industrial property and the 14615
legislative authority is not required to certify a copy of a 14616
resolution under section 3735.671 of the Revised Code, the housing 14617
officer shall comply with the notice requirements prescribed under 14618
section 5709.83 of the Revised Code, unless the board has adopted 14619
a resolution under that section waiving its right to receive such 14620
a notice. 14621

(D) Except as provided in division (F) of this section, the 14622
tax exemption shall first apply in the year the construction or 14623
remodeling would first be taxable but for this section. In the 14624
case of remodeling that qualifies for exemption, a percentage, not 14625
to exceed one hundred per cent, of the amount by which the 14626
remodeling increased the assessed value of the structure shall be 14627
exempted from real property taxation. In the case of construction 14628
of a structure that qualifies for exemption, a percentage, not to 14629
exceed one hundred per cent, of the assessed value of the 14630
structure shall be exempted from real property taxation. In either 14631

case, the percentage shall be the percentage set forth in the 14632
agreement if the structure or remodeling is to be used for 14633
commercial or industrial purposes, or the percentage set forth in 14634
the resolution describing the community reinvestment area if the 14635
structure or remodeling is to be used for residential purposes. 14636

The construction of new structures and the remodeling of 14637
existing structures are hereby declared to be a public purpose for 14638
which exemptions from real property taxation may be granted for 14639
the following periods: 14640

(1) For every dwelling containing not more than two family 14641
units located within the same community reinvestment area and upon 14642
which the cost of remodeling is at least two thousand five hundred 14643
dollars, a period to be determined by the legislative authority 14644
adopting the resolution describing the community reinvestment area 14645
where the dwelling is located, but not exceeding ten years unless 14646
extended pursuant to division (D)(3) of this section; 14647

(2) For every dwelling containing more than two units and 14648
commercial or industrial properties, located within the same 14649
community reinvestment area, upon which the cost of remodeling is 14650
at least five thousand dollars, a period to be determined by the 14651
legislative authority adopting the resolution, but not exceeding 14652
twelve years unless extended pursuant to division (D)(3) of this 14653
section; 14654

(3) The period of exemption for a dwelling described in 14655
division (D)(1) or (2) of this section may be extended by a 14656
legislative authority for up to an additional ten years if the 14657
dwelling is a structure of historical or architectural 14658
significance, is a certified historic structure that has been 14659
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 14660
and units within the structure have been leased to individual 14661
tenants for five consecutive years; 14662

(4) Except as provided in division (F) of this section, for 14663
construction of every dwelling, and commercial or industrial 14664
structure located within the same community reinvestment area, a 14665
period to be determined by the legislative authority adopting the 14666
resolution, but not exceeding fifteen years. 14667

(E) Any person, board, or officer authorized by section 14668
5715.19 of the Revised Code to file complaints with the county 14669
board of revision may file a complaint with the housing officer 14670
challenging the continued exemption of any property granted an 14671
exemption under this section. A complaint against exemption shall 14672
be filed prior to the thirty-first day of December of the tax year 14673
for which taxation of the property is requested. The housing 14674
officer shall determine whether the property continues to meet the 14675
requirements for exemption and shall certify the housing officer's 14676
findings to the complainant. If the housing officer determines 14677
that the property does not meet the requirements for exemption, 14678
the housing officer shall notify the county auditor, who shall 14679
correct the tax list and duplicate accordingly. 14680

(F) The owner of a dwelling constructed in a community 14681
reinvestment area may file an application for an exemption after 14682
the year the construction first became subject to taxation. The 14683
application shall be processed in accordance with the procedures 14684
prescribed under this section and shall be granted if the 14685
construction that is the subject of the application otherwise 14686
meets the requirements for an exemption under this section. If 14687
approved, the exemption sought in the application first applies in 14688
the year the application is filed. An exemption approved pursuant 14689
to this division continues only for those years remaining in the 14690
period described in division (D)~~(3)~~(4) of this section. No 14691
exemption may be claimed for any year in that period that precedes 14692
the year in which the application is filed. 14693

Sec. 3743.02. (A) Any person who wishes to manufacture 14694
fireworks in this state shall submit to the fire marshal an 14695
application for licensure as a manufacturer of fireworks before 14696
the first day of October of each year. The application shall be 14697
submitted prior to the operation of a fireworks plant, shall be on 14698
a form prescribed by the fire marshal, shall contain all 14699
information required by this section or requested by the fire 14700
marshal, and shall be accompanied by the license fee, 14701
fingerprints, and proof of insurance coverage described in 14702
division (B) of this section. 14703

The fire marshal shall prescribe a form for applications for 14704
licensure as a manufacturer of fireworks and make a copy of the 14705
form available, upon request, to persons who seek that licensure. 14706

(B) An applicant for licensure as a manufacturer of fireworks 14707
shall submit with the application all of the following: 14708

(1) A license fee of two thousand seven hundred fifty 14709
dollars, which the fire marshal shall use to pay for fireworks 14710
safety education, training programs, and inspections. If the 14711
applicant has any storage locations approved in accordance with 14712
division (I) of section 3743.04 of the Revised Code, the applicant 14713
also shall submit a fee of one hundred dollars per storage 14714
location for the inspection of each storage location. 14715

(2) Proof of comprehensive general liability insurance 14716
coverage, specifically including fire and smoke casualty on 14717
premises and products, in an amount not less than one million 14718
dollars for each occurrence for bodily injury liability and 14719
wrongful death liability at the fireworks plant. All applicants 14720
shall submit evidence of comprehensive general liability insurance 14721
coverage verified by the insurer and certified as to its provision 14722
of the minimum coverage required under this division. 14723

(3) One ~~complete~~ set of the applicant's fingerprints or 14724

similar identifying information and a ~~complete~~ set of fingerprints 14725
or similar identifying information of any individual holding, 14726
owning, or controlling a five per cent or greater beneficial or 14727
equity interest in the applicant for the license. The fire marshal 14728
may adopt rules in accordance with Chapter 119. of the Revised 14729
Code specifying the method to be used by the applicant to provide 14730
the fingerprint or similar identifying information, fees to be 14731
assessed by the fire marshal to conduct such background checks, 14732
and the procedures to be used by the fire marshal to verify 14733
compliance with this section. Such rules may include provisions 14734
establishing the frequency that license renewal applicants must 14735
update background check information filed by the applicant with 14736
previous license applications and provisions describing 14737
alternative forms of background check information that may be 14738
accepted by the fire marshal to verify compliance with this 14739
section. 14740

(C) A separate application for licensure as a manufacturer of 14741
fireworks shall be submitted for each fireworks plant that a 14742
person wishes to operate in this state. 14743

(D) If an applicant intends to include the processing of 14744
fireworks as any part of its proposed manufacturing of fireworks, 14745
a statement indicating that intent shall be included in its 14746
application for licensure. 14747

Sec. 3743.04. (A) The license of a manufacturer of fireworks 14748
is effective for one year beginning on the first day of December. 14749
The fire marshal shall issue or renew a license only on that date 14750
and at no other time. If a manufacturer of fireworks wishes to 14751
continue manufacturing fireworks at the designated fireworks plant 14752
after its then effective license expires, it shall apply no later 14753
than the first day of October for a new license pursuant to 14754
section 3743.02 of the Revised Code. The fire marshal shall send a 14755

written notice of the expiration of its license to a licensed 14756
manufacturer at least three months before the expiration date. 14757

(B) If, during the effective period of its licensure, a 14758
licensed manufacturer of fireworks wishes to construct, locate, or 14759
relocate any buildings or other structures on the premises of its 14760
fireworks plant, to make any structural change or renovation in 14761
any building or other structure on the premises of its fireworks 14762
plant, or to change the nature of its manufacturing of fireworks 14763
so as to include the processing of fireworks, the manufacturer 14764
shall notify the fire marshal in writing. The fire marshal may 14765
require a licensed manufacturer also to submit documentation, 14766
including, but not limited to, plans covering the proposed 14767
construction, location, relocation, structural change or 14768
renovation, or change in manufacturing of fireworks, if the fire 14769
marshal determines the documentation is necessary for evaluation 14770
purposes in light of the proposed construction, location, 14771
relocation, structural change or renovation, or change in 14772
manufacturing of fireworks. 14773

Upon receipt of the notification and additional documentation 14774
required by the fire marshal, the fire marshal shall inspect the 14775
premises of the fireworks plant to determine if the proposed 14776
construction, location, relocation, structural change or 14777
renovation, or change in manufacturing of fireworks conforms to 14778
sections 3743.02 to 3743.08 of the Revised Code and the rules 14779
adopted by the fire marshal pursuant to section 3743.05 of the 14780
Revised Code. The fire marshal shall issue a written authorization 14781
to the manufacturer for the construction, location, relocation, 14782
structural change or renovation, or change in manufacturing of 14783
fireworks if the fire marshal determines, upon the inspection and 14784
a review of submitted documentation, that the construction, 14785
location, relocation, structural change or renovation, or change 14786
in manufacturing of fireworks conforms to those sections and 14787

rules. Upon authorizing a change in manufacturing of fireworks to 14788
include the processing of fireworks, the fire marshal shall make 14789
notations on the manufacturer's license and in the list of 14790
licensed manufacturers in accordance with section 3743.03 of the 14791
Revised Code. 14792

On or before June 1, 1998, a licensed manufacturer shall 14793
install, in every licensed building in which fireworks are 14794
manufactured, stored, or displayed and to which the public has 14795
access, interlinked fire detection, smoke exhaust, and smoke 14796
evacuation systems that are approved by the superintendent of the 14797
division of industrial compliance, and shall comply with floor 14798
plans showing occupancy load limits and internal circulation and 14799
egress patterns that are approved by the fire marshal and 14800
superintendent, and that are submitted under seal as required by 14801
section 3791.04 of the Revised Code. Notwithstanding section 14802
3743.59 of the Revised Code, the construction and safety 14803
requirements established in this division are not subject to any 14804
variance, waiver, or exclusion. 14805

(C) The license of a manufacturer of fireworks authorizes the 14806
manufacturer to engage only in the following activities: 14807

(1) The manufacturing of fireworks on the premises of the 14808
fireworks plant as described in the application for licensure or 14809
in the notification submitted under division (B) of this section, 14810
except that a licensed manufacturer shall not engage in the 14811
processing of fireworks unless authorized to do so by its license. 14812

(2) To possess for sale at wholesale and sell at wholesale 14813
the fireworks manufactured by the manufacturer, to persons who are 14814
licensed wholesalers of fireworks, to out-of-state residents in 14815
accordance with section 3743.44 of the Revised Code, to residents 14816
of this state in accordance with section 3743.45 of the Revised 14817
Code, or to persons located in another state provided the 14818
fireworks are shipped directly out of this state to them by the 14819

manufacturer. A person who is licensed as a manufacturer of 14820
fireworks on June 14, 1988, also may possess for sale and sell 14821
pursuant to division (C)(2) of this section fireworks other than 14822
those the person manufactures. The possession for sale shall be on 14823
the premises of the fireworks plant described in the application 14824
for licensure or in the notification submitted under division (B) 14825
of this section, and the sale shall be from the inside of a 14826
licensed building and from no other structure or device outside a 14827
licensed building. At no time shall a licensed manufacturer sell 14828
any class of fireworks outside a licensed building. 14829

(3) Possess for sale at retail and sell at retail the 14830
fireworks manufactured by the manufacturer, other than 1.4G 14831
fireworks as designated by the fire marshal in rules adopted 14832
pursuant to division (A) of section 3743.05 of the Revised Code, 14833
to licensed exhibitors in accordance with sections 3743.50 to 14834
3743.55 of the Revised Code, and possess for sale at retail and 14835
sell at retail the fireworks manufactured by the manufacturer, 14836
including 1.4G fireworks, to out-of-state residents in accordance 14837
with section 3743.44 of the Revised Code, to residents of this 14838
state in accordance with section 3743.45 of the Revised Code, or 14839
to persons located in another state provided the fireworks are 14840
shipped directly out of this state to them by the manufacturer. A 14841
person who is licensed as a manufacturer of fireworks on June 14, 14842
1988, may also possess for sale and sell pursuant to division 14843
(C)(3) of this section fireworks other than those the person 14844
manufactures. The possession for sale shall be on the premises of 14845
the fireworks plant described in the application for licensure or 14846
in the notification submitted under division (B) of this section, 14847
and the sale shall be from the inside of a licensed building and 14848
from no other structure or device outside a licensed building. At 14849
no time shall a licensed manufacturer sell any class of fireworks 14850
outside a licensed building. 14851

A licensed manufacturer of fireworks shall sell under 14852
division (C) of this section only fireworks that meet the 14853
standards set by the consumer product safety commission or by the 14854
American fireworks standard laboratories or that have received an 14855
EX number from the United States department of transportation. 14856

(D) The license of a manufacturer of fireworks shall be 14857
protected under glass and posted in a conspicuous place on the 14858
premises of the fireworks plant. Except as otherwise provided in 14859
this division, the license is not transferable or assignable. A 14860
license may be transferred to another person for the same 14861
fireworks plant for which the license was issued if the assets of 14862
the plant are transferred to that person by inheritance or by a 14863
sale approved by the fire marshal. The license is subject to 14864
revocation in accordance with section 3743.08 of the Revised Code. 14865

(E) The fire marshal shall not place the license of a 14866
manufacturer of fireworks in a temporarily inactive status while 14867
the holder of the license is attempting to qualify to retain the 14868
license. 14869

(F) Each licensed manufacturer of fireworks that possesses 14870
fireworks for sale and sells fireworks under division (C) of 14871
section 3743.04 of the Revised Code, or a designee of the 14872
manufacturer, whose identity is provided to the fire marshal by 14873
the manufacturer, annually shall attend a continuing education 14874
program ~~consisting of not less than eight hours of instruction.~~ 14875
The fire marshal shall develop the program and the fire marshal or 14876
a person or public agency approved by the fire marshal shall 14877
conduct it. A licensed manufacturer or the manufacturer's designee 14878
who attends a program as required under this division, within one 14879
year after attending the program, shall conduct in-service 14880
training as approved by the fire marshal for other employees of 14881
the licensed manufacturer regarding the information obtained in 14882
the program. A licensed manufacturer shall provide the fire 14883

marshal with notice of the date, time, and place of all in-service training ~~not less than thirty days prior to an in service training event.~~ For any program conducted under this division, the fire marshal shall, in accordance with rules adopted by the fire marshal under Chapter 119. of the Revised Code, establish the subjects to be taught, the length of classes, the standards for approval, and time periods for notification by the licensee to the state fire marshal of any in-service training.

(G) A licensed manufacturer shall maintain comprehensive general liability insurance coverage in the amount and type specified under division (B)(2) of section 3743.02 of the Revised Code at all times. Each policy of insurance required under this division shall contain a provision requiring the insurer to give not less than fifteen days' prior written notice to the fire marshal before termination, lapse, or cancellation of the policy, or any change in the policy that reduces the coverage below the minimum required under this division. Prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division, a licensed manufacturer shall secure supplemental insurance in an amount and type that satisfies the requirements of this division so that no lapse in coverage occurs at any time. A licensed manufacturer who secures supplemental insurance shall file evidence of the supplemental insurance with the fire marshal prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division.

(H) The fire marshal shall adopt rules for the expansion or contraction of a licensed premises and for approval of such expansions or contractions. The boundaries of a licensed premises, including any geographic expansion or contraction of those boundaries, shall be approved by the fire marshal in accordance

with rules the fire marshal adopts. If the licensed premises 14916
consists of more than one parcel of real estate, those parcels 14917
shall be contiguous unless an exception is allowed pursuant to 14918
division (I) of this section. 14919

(I)(1) A licensed manufacturer may expand its licensed 14920
premises within this state to include not more than two storage 14921
locations that are located upon one or more real estate parcels 14922
that are noncontiguous to the licensed premises as that licensed 14923
premises exists on the date a licensee submits an application as 14924
described below, if all of the following apply: 14925

(a) The licensee submits an application to the fire marshal 14926
and an application fee of one hundred dollars per storage location 14927
for which the licensee is requesting approval. 14928

(b) The identity of the holder of the license remains the 14929
same at the storage location. 14930

(c) The storage location has received a valid certificate of 14931
zoning compliance as applicable and a valid certificate of 14932
occupancy for each building or structure at the storage location 14933
issued by the authority having jurisdiction to issue the 14934
certificate for the storage location, and those certificates 14935
permit the distribution and storage of fireworks regulated under 14936
this chapter at the storage location and in the buildings or 14937
structures. The storage location shall be in compliance with all 14938
other applicable federal, state, and local laws and regulations. 14939

(d) Every building or structure located upon the storage 14940
location is separated from occupied residential and nonresidential 14941
buildings or structures, railroads, highways, or any other 14942
buildings or structures on the licensed premises in accordance 14943
with the distances specified in the rules adopted by the fire 14944
marshal pursuant to section 3743.05 of the Revised Code. 14945

(e) Neither the licensee nor any person holding, owning, or 14946

controlling a five per cent or greater beneficial or equity 14947
interest in the licensee has been convicted of or pleaded guilty 14948
to a felony under the laws of this state, any other state, or the 14949
United States, after ~~the effective date of this amendment~~ 14950
September 29, 2005. 14951

(f) The fire marshal approves the application for expansion. 14952

(2) The fire marshal shall approve an application for 14953
expansion requested under division (I)(1) of this section if the 14954
fire marshal receives the application fee and proof that the 14955
requirements of divisions (I)(1)(b) to (e) of this section are 14956
satisfied. The storage location shall be considered part of the 14957
original licensed premises and shall use the same distinct number 14958
assigned to the original licensed premises with any additional 14959
designations as the fire marshal deems necessary in accordance 14960
with section 3743.03 of the Revised Code. 14961

(J)(1) A licensee who obtains approval for the use of a 14962
storage location in accordance with division (I) of this section 14963
shall use the storage location exclusively for the following 14964
activities, in accordance with division (C) of this section: 14965

(a) The packaging, assembling, or storing of fireworks, which 14966
shall only occur in buildings, or structures, ~~or trailers~~ approved 14967
for such hazardous uses by the building code official having 14968
jurisdiction for the storage location and or, for 1.4G fireworks, 14969
in containers or trailers approved for such hazardous uses by the 14970
fire marshal if such containers or trailers are not subject to 14971
regulation by the building code adopted in accordance with Chapter 14972
3781. of the Revised Code. All such storage shall be in accordance 14973
with the rules adopted by the fire marshal under division (G) of 14974
section 3743.05 of the Revised Code for the packaging, assembling, 14975
and storage of fireworks. 14976

(b) Distributing fireworks to other parcels of real estate 14977

located on the manufacturer's licensed premises, to licensed 14978
wholesalers or other licensed manufacturers in this state or to 14979
similarly licensed persons located in another state or country; 14980

(c) Distributing fireworks to a licensed exhibitor of 14981
fireworks pursuant to a properly issued permit in accordance with 14982
section 3743.54 of the Revised Code. 14983

(2) A licensed manufacturer shall not engage in any sales 14984
activity, including the retail sale of fireworks otherwise 14985
permitted under division (C)(2) or (C)(3) of this section, or 14986
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 14987
storage location approved under this section. 14988

(3) A storage location may not be relocated for a minimum 14989
period of five years after the storage location is approved by the 14990
fire marshal in accordance with division (I) of this section. 14991

(K) The licensee shall prohibit public access to the storage 14992
location. The fire marshal shall adopt rules to describe the 14993
acceptable measures a manufacturer shall use to prohibit access to 14994
the storage site. 14995

Sec. 3743.15. (A) Except as provided in division (C) of this 14996
section, any person who wishes to be a wholesaler of fireworks in 14997
this state shall submit to the fire marshal an application for 14998
licensure as a wholesaler of fireworks before the first day of 14999
October of each year. The application shall be submitted prior to 15000
commencement of business operations, shall be on a form prescribed 15001
by the fire marshal, shall contain all information requested by 15002
the fire marshal, and shall be accompanied by the license fee, 15003
fingerprints, and proof of insurance coverage described in 15004
division (B) of this section. 15005

The fire marshal shall prescribe a form for applications for 15006
licensure as a wholesaler of fireworks and make a copy of the form 15007

available, upon request, to persons who seek that licensure. 15008

(B) An applicant for licensure as a wholesaler of fireworks 15009
shall submit with the application all of the following: 15010

(1) A license fee of two thousand seven hundred fifty 15011
dollars, which the fire marshal shall use to pay for fireworks 15012
safety education, training programs, and inspections. If the 15013
applicant has any storage locations approved in accordance with 15014
division (G) of section 3743.17 of the Revised Code, the applicant 15015
also shall submit a fee of one hundred dollars per storage 15016
location for the inspection of each storage location. 15017

(2) Proof of comprehensive general liability insurance 15018
coverage, specifically including fire and smoke casualty on 15019
premises, in an amount not less than one million dollars for each 15020
occurrence for bodily injury liability and wrongful death 15021
liability at its business location. Proof of such insurance 15022
coverage shall be submitted together with proof of coverage for 15023
products liability on all inventory located at the business 15024
location. All applicants shall submit evidence of comprehensive 15025
general liability insurance coverage verified by the insurer and 15026
certified as to its provision of the minimum coverage required 15027
under this division. 15028

(3) One ~~complete~~ set of the applicant's fingerprints or 15029
similar identifying information and a ~~complete~~ set of fingerprints 15030
or similar identifying information of any individual holding, 15031
owning, or controlling a five per cent or greater beneficial or 15032
equity interest in the applicant for the license. The fire marshal 15033
may adopt rules in accordance with Chapter 119. of the Revised 15034
Code specifying the method to be used by the applicant to provide 15035
the fingerprint or similar identifying information, fees to be 15036
assessed by the fire marshal to conduct such background checks, 15037
and the procedures to be used by the fire marshal to verify 15038
compliance with this section. Such rules may include provisions 15039

establishing the frequency that license renewal applicants must 15040
update background check information filed by the applicant with 15041
previous license applications and provisions describing 15042
alternative forms of background check information that may be 15043
accepted by the fire marshal to verify compliance with this 15044
section. 15045

(C) A licensed manufacturer of fireworks is not required to 15046
apply for and obtain a wholesaler of fireworks license in order to 15047
engage in the wholesale sale of fireworks as authorized by 15048
division (C)(2) of section 3743.04 of the Revised Code. A business 15049
which is not a licensed manufacturer of fireworks may engage in 15050
the wholesale and retail sale of fireworks in the same manner as a 15051
licensed manufacturer of fireworks is authorized to do under this 15052
chapter without the necessity of applying for and obtaining a 15053
license pursuant to this section, but only if the business sells 15054
the fireworks on the premises of a fireworks plant covered by a 15055
license issued under section 3743.03 of the Revised Code and the 15056
holder of that license owns at least a majority interest in that 15057
business. However, if a licensed manufacturer of fireworks wishes 15058
to engage in the wholesale sale of fireworks in this state at a 15059
location other than the premises of the fireworks plant described 15060
in its application for licensure as a manufacturer or in a 15061
notification submitted under division (B) of section 3743.04 of 15062
the Revised Code, the manufacturer shall first apply for and 15063
obtain a wholesaler of fireworks license before engaging in 15064
wholesale sales of fireworks at the other location. 15065

(D) A separate application for licensure as a wholesaler of 15066
fireworks shall be submitted for each location at which a person 15067
wishes to engage in wholesale sales of fireworks. 15068

Sec. 3743.17. (A) The license of a wholesaler of fireworks is 15069
effective for one year beginning on the first day of December. The 15070

fire marshal shall issue or renew a license only on that date and 15071
at no other time. If a wholesaler of fireworks wishes to continue 15072
engaging in the wholesale sale of fireworks at the particular 15073
location after its then effective license expires, it shall apply 15074
not later than the first day of October for a new license pursuant 15075
to section 3743.15 of the Revised Code. The fire marshal shall 15076
send a written notice of the expiration of its license to a 15077
licensed wholesaler at least three months before the expiration 15078
date. 15079

(B) If, during the effective period of its licensure, a 15080
licensed wholesaler of fireworks wishes to perform any 15081
construction, or make any structural change or renovation, on the 15082
premises on which the fireworks are sold, the wholesaler shall 15083
notify the fire marshal in writing. The fire marshal may require a 15084
licensed wholesaler also to submit documentation, including, but 15085
not limited to, plans covering the proposed construction or 15086
structural change or renovation, if the fire marshal determines 15087
the documentation is necessary for evaluation purposes in light of 15088
the proposed construction or structural change or renovation. 15089

Upon receipt of the notification and additional documentation 15090
required by the fire marshal, the fire marshal shall inspect the 15091
premises on which the fireworks are sold to determine if the 15092
proposed construction or structural change or renovation conforms 15093
to sections 3743.15 to 3743.21 of the Revised Code and the rules 15094
adopted by the fire marshal pursuant to section 3743.18 of the 15095
Revised Code. The fire marshal shall issue a written authorization 15096
to the wholesaler for the construction or structural change or 15097
renovation if the fire marshal determines, upon the inspection and 15098
a review of submitted documentation, that the construction or 15099
structural change or renovation conforms to those sections and 15100
rules. 15101

(C) The license of a wholesaler of fireworks authorizes the 15102

wholesaler to engage only in the following activities: 151103

(1) Possess for sale at wholesale and sell at wholesale 151104
fireworks to persons who are licensed wholesalers of fireworks, to 151105
out-of-state residents in accordance with section 3743.44 of the 151106
Revised Code, to residents of this state in accordance with 151107
section 3743.45 of the Revised Code, or to persons located in 151108
another state provided the fireworks are shipped directly out of 151109
this state to them by the wholesaler. The possession for sale 151110
shall be at the location described in the application for 151111
licensure or in the notification submitted under division (B) of 151112
this section, and the sale shall be from the inside of a licensed 151113
building and from no structure or device outside a licensed 151114
building. At no time shall a licensed wholesaler sell any class of 151115
fireworks outside a licensed building. 151116

(2) Possess for sale at retail and sell at retail fireworks, 151117
other than 1.4G fireworks as designated by the fire marshal in 151118
rules adopted pursuant to division (A) of section 3743.05 of the 151119
Revised Code, to licensed exhibitors in accordance with sections 151120
3743.50 to 3743.55 of the Revised Code, and possess for sale at 151121
retail and sell at retail fireworks, including 1.4G fireworks, to 151122
out-of-state residents in accordance with section 3743.44 of the 151123
Revised Code, to residents of this state in accordance with 151124
section 3743.45 of the Revised Code, or to persons located in 151125
another state provided the fireworks are shipped directly out of 151126
this state to them by the wholesaler. The possession for sale 151127
shall be at the location described in the application for 151128
licensure or in the notification submitted under division (B) of 151129
this section, and the sale shall be from the inside of the 151130
licensed building and from no other structure or device outside 151131
this licensed building. At no time shall a licensed wholesaler 151132
sell any class of fireworks outside a licensed building. 151133

A licensed wholesaler of fireworks shall sell under division 151134

(C) of this section only fireworks that meet the standards set by 15135
the consumer product safety commission or by the American 15136
fireworks standard laboratories or that have received an EX number 15137
from the United States department of transportation. 15138

(D) The license of a wholesaler of fireworks shall be 15139
protected under glass and posted in a conspicuous place at the 15140
location described in the application for licensure or in the 15141
notification submitted under division (B) of this section. Except 15142
as otherwise provided in this section, the license is not 15143
transferable or assignable. A license may be transferred to 15144
another person for the same location for which the license was 15145
issued if the assets of the wholesaler are transferred to that 15146
person by inheritance or by a sale approved by the fire marshal. 15147
The license is subject to revocation in accordance with section 15148
3743.21 of the Revised Code. 15149

(E) The fire marshal shall adopt rules for the expansion or 15150
contraction of a licensed premises and for the approval of an 15151
expansion or contraction. The boundaries of a licensed premises, 15152
including any geographic expansion or contraction of those 15153
boundaries, shall be approved by the fire marshal in accordance 15154
with rules the fire marshal adopts. If the licensed premises of a 15155
licensed wholesaler from which the wholesaler operates consists of 15156
more than one parcel of real estate, those parcels must be 15157
contiguous, unless an exception is allowed pursuant to division 15158
(G) of this section. 15159

(F)(1) Upon application by a licensed wholesaler of 15160
fireworks, a wholesaler license may be transferred from one 15161
geographic location to another within the same municipal 15162
corporation or within the unincorporated area of the same 15163
township, but only if all of the following apply: 15164

(a) The identity of the holder of the license remains the 15165
same in the new location. 15166

(b) The former location is closed prior to the opening of the 15167
new location and no fireworks business of any kind is conducted at 15168
the former location after the transfer of the license. 15169

(c) The new location has received a local certificate of 15170
zoning compliance and a local certificate of occupancy, and 15171
otherwise is in compliance with all local building regulations. 15172

~~(d) The transfer of the license is requested by the licensee 15173
because the existing facility poses an immediate hazard to the 15174
public. 15175~~

~~(e)~~ Every building or structure at the new location is 15176
separated from occupied residential and nonresidential buildings 15177
or structures, railroads, highways, or any other buildings or 15178
structures located on the licensed premises in accordance with the 15179
distances specified in the rules adopted by the fire marshal 15180
pursuant to section 3743.18 of the Revised Code. If the licensee 15181
fails to comply with the requirements of division (F)(1)~~(e)~~(d) of 15182
this section by the licensee's own act, the license at the new 15183
location is forfeited. 15184

~~(f)~~(e) Neither the licensee nor any person holding, owning, 15185
or controlling a five per cent or greater beneficial or equity 15186
interest in the licensee has been convicted of or has pleaded 15187
guilty to a felony under the laws of this state, any other state, 15188
or the United States after June 30, 1997. 15189

~~(g)~~(f) The fire marshal approves the request for the 15190
transfer. 15191

(2) The new location shall comply with the requirements 15192
specified in divisions ~~(A)~~(C)(1) and (2) of section 3743.25 of the 15193
Revised Code whether or not the fireworks showroom at the new 15194
location is constructed, expanded, or first begins operating on 15195
and after June 30, 1997. 15196

(G)(1) A licensed wholesaler may expand its licensed premises 15197

within this state to include not more than two storage locations 15198
that are located upon one or more real estate parcels that are 15199
noncontiguous to the licensed premises as that licensed premises 15200
exists on the date a licensee submits an application as described 15201
below, if all of the following apply: 15202

(a) The licensee submits an application to the fire marshal 15203
requesting the expansion and an application fee of one hundred 15204
dollars per storage location for which the licensee is requesting 15205
approval. 15206

(b) The identity of the holder of the license remains the 15207
same at the storage location. 15208

(c) The storage location has received a valid certificate of 15209
zoning compliance, as applicable, and a valid certificate of 15210
occupancy for each building or structure at the storage location 15211
issued by the authority having jurisdiction to issue the 15212
certificate for the storage location, and those certificates 15213
permit the distribution and storage of fireworks regulated under 15214
this chapter at the storage location and in the buildings or 15215
structures. The storage location shall be in compliance with all 15216
other applicable federal, state, and local laws and regulations. 15217

(d) Every building or structure located upon the storage 15218
location is separated from occupied residential and nonresidential 15219
buildings or structures, railroads, highways, and any other 15220
buildings or structures on the licensed premises in accordance 15221
with the distances specified in the rules adopted by the fire 15222
marshal pursuant to section 3743.18 of the Revised Code. 15223

(e) Neither the licensee nor any person holding, owning, or 15224
controlling a five per cent or greater beneficial or equity 15225
interest in the licensee has been convicted of or pleaded guilty 15226
to a felony under the laws of this state, any other state, or the 15227
United States, after ~~the effective date of this amendment~~ 15228

September 29, 2005. 15229

(f) The fire marshal approves the application for expansion. 15230

(2) The fire marshal shall approve an application for 15231
expansion requested under division (G)(1) of this section if the 15232
fire marshal receives the application fee and proof that the 15233
requirements of divisions (G)(1)(b) to (e) of this section are 15234
satisfied. The storage location shall be considered part of the 15235
original licensed premises and shall use the same distinct number 15236
assigned to the original licensed premises with any additional 15237
designations as the fire marshal deems necessary in accordance 15238
with section 3743.16 of the Revised Code. 15239

(H)(1) A licensee who obtains approval for use of a storage 15240
location in accordance with division (G) of this section shall use 15241
the site exclusively for the following activities, in accordance 15242
with division (C)(1) of this section: 15243

(a) Packaging, assembling, or storing fireworks, which shall 15244
occur only in buildings or structures approved for such hazardous 15245
uses by the building code official having jurisdiction for the 15246
storage location and or, for 1.4G fireworks, in containers or 15247
trailers approved for such hazardous uses by the fire marshal if 15248
such containers or trailers are not subject to regulation by the 15249
building code adopted in accordance with Chapter 3781. of the 15250
Revised Code. All such storage shall be in accordance with the 15251
rules adopted by the fire marshal under division (B)(4) of section 15252
3743.18 of the Revised Code for the packaging, assembling, and 15253
storage of fireworks. 15254

(b) Distributing fireworks to other parcels of real estate 15255
located on the wholesaler's licensed premises, to licensed 15256
manufacturers or other licensed wholesalers in this state or to 15257
similarly licensed persons located in another state or country; 15258

(c) Distributing fireworks to a licensed exhibitor of 15259

fireworks pursuant to a properly issued permit in accordance with 15260
section 3743.54 of the Revised Code. 15261

(2) A licensed wholesaler shall not engage in any sales 15262
activity, including the retail sale of fireworks otherwise 15263
permitted under division (C)(2) of this section or pursuant to 15264
section 3743.44 or 3743.45 of the Revised Code, at a storage 15265
location approved under this section. 15266

(3) A storage location may not be relocated for a minimum 15267
period of five years after the storage location is approved by the 15268
fire marshal in accordance with division (G) of this section. 15269

(I) A licensee shall prohibit public access to all storage 15270
locations it uses. The fire marshal shall adopt rules establishing 15271
acceptable measures a wholesaler shall use to prohibit access to 15272
storage sites. 15273

(J) The fire marshal shall not place the license of a 15274
wholesaler of fireworks in temporarily inactive status while the 15275
holder of the license is attempting to qualify to retain the 15276
license. 15277

(K) Each licensed wholesaler of fireworks or a designee of 15278
the wholesaler, whose identity is provided to the fire marshal by 15279
the wholesaler, annually shall attend a continuing education 15280
program ~~consisting of not less than eight hours of instruction.~~ 15281
The fire marshal shall develop the program and the fire marshal or 15282
a person or public agency approved by the fire marshal shall 15283
conduct it. A licensed wholesaler or the wholesaler's designee who 15284
attends a program as required under this division, within one year 15285
after attending the program, shall conduct in-service training as 15286
approved by the fire marshal for other employees of the licensed 15287
wholesaler regarding the information obtained in the program. A 15288
licensed wholesaler shall provide the fire marshal with notice of 15289
the date, time, and place of all in-service training ~~not less than~~ 15290

~~thirty days prior to an in-service training event. For any program~~ 15291
~~conducted under this division, the fire marshal shall, in~~ 15292
~~accordance with rules adopted by the fire marshal under Chapter~~ 15293
~~119. of the Revised Code, establish the subjects to be taught, the~~ 15294
~~length of classes, the standards for approval, and time periods~~ 15295
~~for notification by the licensee to the state fire marshal of any~~ 15296
~~in-service training.~~ 15297

(L) A licensed wholesaler shall maintain comprehensive 15298
general liability insurance coverage in the amount and type 15299
specified under division (B)(2) of section 3743.15 of the Revised 15300
Code at all times. Each policy of insurance required under this 15301
division shall contain a provision requiring the insurer to give 15302
not less than fifteen days' prior written notice to the fire 15303
marshal before termination, lapse, or cancellation of the policy, 15304
or any change in the policy that reduces the coverage below the 15305
minimum required under this division. Prior to canceling or 15306
reducing the amount of coverage of any comprehensive general 15307
liability insurance coverage required under this division, a 15308
licensed wholesaler shall secure supplemental insurance in an 15309
amount and type that satisfies the requirements of this division 15310
so that no lapse in coverage occurs at any time. A licensed 15311
wholesaler who secures supplemental insurance shall file evidence 15312
of the supplemental insurance with the fire marshal prior to 15313
canceling or reducing the amount of coverage of any comprehensive 15314
general liability insurance coverage required under this division. 15315

Sec. 3743.19. In addition to conforming to the rules of the 15316
fire marshal adopted pursuant to section 3743.18 of the Revised 15317
Code, licensed wholesalers of fireworks shall conduct their 15318
business operations in accordance with the following: 15319

(A) A wholesaler shall conduct its business operations from 15320
the location described in its application for licensure or in a 15321

notification submitted under division (B) of section 3743.17 of 15322
the Revised Code. 15323

(B) Signs indicating that smoking is generally forbidden and 15324
trespassing is prohibited on the premises of a wholesaler shall be 15325
posted on the premises as determined by the fire marshal. 15326

(C) Reasonable precautions shall be taken to protect the 15327
premises of a wholesaler from trespass, loss, theft, or 15328
destruction. 15329

(D) Smoking or the carrying of pipes, cigarettes, or cigars, 15330
matches, lighters, other flame-producing items, or open flame on, 15331
or the carrying of a concealed source of ignition into, the 15332
premises of a wholesaler is prohibited, except that a wholesaler 15333
may permit smoking in specified lunchrooms or restrooms in 15334
buildings or other structures in which no sales, handling, or 15335
storage of fireworks takes place. "NO SMOKING" signs shall be 15336
posted on the premises as required by the fire marshal. 15337

(E) Fire and explosion prevention and other reasonable safety 15338
measures and precautions shall be implemented by a wholesaler. 15339

(F) Persons shall not be permitted to have in their 15340
possession or under their control, while they are on the premises 15341
of a wholesaler, any intoxicating liquor, beer, or controlled 15342
substance, and they shall not be permitted to enter or remain on 15343
the premises if they are found to be under the influence of any 15344
intoxicating liquor, beer, or controlled substance. 15345

(G) A wholesaler shall conform to all building, safety, and 15346
zoning statutes, ordinances, rules, or other enactments that apply 15347
to its premises. 15348

(H) Each building used in the sale of fireworks shall be kept 15349
open to the public for at least four hours each day between the 15350
hours of eight a.m. and five p.m., five days of each week, every 15351
week of the year. Upon application from a licensed wholesaler, the 15352

fire marshal may waive any of the requirements of this division. 15353

(I) Awnings, tents, or canopies shall not be used as 15354
facilities for the storage or sale of fireworks. This division 15355
does not prohibit the use of an awning or canopy attached to a 15356
public access showroom for storing nonflammable shopping 15357
convenience items such as shopping carts or baskets or providing a 15358
shaded area for patrons waiting to enter the public sales area. 15359

(J) ~~Fireworks~~ 1.4G fireworks may be stored in trailers if the 15360
trailers are properly enclosed, secured, and grounded and are 15361
separated from any structure to which the public is admitted by a 15362
distance that will, in the fire marshal's judgment, allow 15363
fire-fighting equipment to have full access to the structures on 15364
the licensed premises. Such trailers may be moved into closer 15365
proximity to any structure only to accept or discharge cargo for a 15366
period not to exceed forty-eight hours. Only two such trailers may 15367
be placed in such closer proximity at any one time. At no time may 15368
trailers be used for conducting sales of any class of fireworks 15369
nor may members of the public have access to the trailers. 15370

Storage areas for fireworks that are in the same building 15372
where fireworks are displayed and sold to the public shall be 15373
separated from the areas to which the public has access by an 15374
appropriately rated fire wall. If the licensee installs and 15375
properly maintains an early suppression fast response sprinkler 15376
system or equivalent fire suppression system as described in the 15377
fire code adopted by the fire marshal in accordance with section 15378
3737.82 of the Revised Code throughout the structure, a fire 15379
barrier wall may be substituted for a fire wall between the areas 15380
to which the public has access and the storage portions of the 15381
structure. 15382

(K) A fire suppression system as defined in section 3781.108 15383
of the Revised Code may be turned off only for repair, drainage of 15384

the system to prevent damage by freezing during the period of 15385
time, approved by the fire marshal under division (I) of this 15386
section, that the facility is closed to public access during 15387
winter months, or maintenance of the system. If any repair or 15388
maintenance is necessary during times when the facility is open 15389
for public access and business, the licensed wholesaler shall 15390
notify in advance the appropriate insurance company and fire chief 15391
or fire prevention officer regarding the nature of the maintenance 15392
or repair and the time when it will be performed. 15393

(L) If any fireworks item is removed from its original 15394
package or is manufactured with any fuse other than a fuse 15395
approved by the consumer product safety commission, then the item 15396
shall be covered completely by repackaging or bagging or it shall 15397
otherwise be covered so as to prevent ignition prior to sale. 15398

(M) A safety officer shall be present during regular business 15399
hours at a building open to the public during the period 15400
commencing fourteen days before, and ending two days after, each 15401
fourth day of July. The officer shall be highly visible, enforce 15402
this chapter and any applicable building codes to the extent the 15403
officer is authorized by law, and be one of the following: 15404

(1) A deputy sheriff; 15405

(2) A law enforcement officer of a municipal corporation, 15406
township, or township or joint township police district; 15407

(3) A private uniformed security guard registered under 15408
section 4749.06 of the Revised Code. 15409

(N) All doors of all buildings on the licensed premises shall 15410
swing outward. 15411

(O) All wholesale and commercial sales of fireworks shall be 15412
packaged, shipped, placarded, and transported in accordance with 15413
United States department of transportation regulations applicable 15414
to the transportation, and the offering for transportation, of 15415

hazardous materials. For purposes of this division, "wholesale and 15416
commercial sales" includes all sales for resale and any nonretail 15417
sale made in furtherance of a commercial enterprise. For purposes 15418
of enforcement of these regulations under section 4905.83 of the 15419
Revised Code, any sales transaction exceeding one thousand pounds 15420
shall be rebuttably presumed to be a wholesale or commercial sale. 15421

Sec. 3743.25. (A)(1) Except as described in division (A)(2) 15422
of this section, all retail sales of 1.4G fireworks by a licensed 15423
manufacturer or wholesaler shall only occur from an approved 15424
retail sales showroom on a licensed premises or from a 15425
representative sample showroom as described in this section on a 15426
licensed premises. For the purposes of this section, a retail sale 15427
includes the transfer of the possession of the 1.4G fireworks from 15428
the licensed manufacturer or wholesaler to the purchaser of the 15429
fireworks. 15430

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 15431
properly permitted exhibition shall occur in accordance with the 15432
provisions of the Revised Code and rules adopted by the fire 15433
marshal under Chapter 119. of the Revised Code. Such rules shall 15434
specify, at a minimum, that the licensed exhibitor holds a license 15435
under section 3743.51 of the Revised Code, that the exhibitor 15436
possesses a valid exhibition permit issued in accordance with 15437
section 3743.54 of the Revised Code, and that the fireworks 15438
shipped are to be used at the specifically permitted exhibition. 15439

(B) All wholesale sales of fireworks by a licensed 15440
manufacturer or wholesaler shall only occur from a licensed 15441
premises to persons who intend to resell the fireworks purchased 15442
at wholesale. A wholesale sale by a licensed manufacturer or 15443
wholesaler may occur as follows: 15444

(1) The direct sale and shipment of fireworks to a person 15445
outside of this state; 15446

(2) From an approved retail sales showroom as described in 15447
this section; 15448

(3) From a representative sample showroom as described in 15449
this section; 15450

(4) By delivery of wholesale fireworks to a purchaser at a 15451
licensed premises outside of a structure or building on that 15452
premises. All other portions of the wholesale sales transaction 15453
may occur at any location on a licensed premises. 15454

(5) Any other method as described in rules adopted by the 15455
state fire marshal under Chapter 119. of the Revised Code. 15456

(C) A licensed manufacturer, or wholesaler, or exhibitor 15457
shall bring fireworks shall only sell 1.4G fireworks from a 15458
representative sample showroom or a retail sales showroom. Each 15459
licensed premises shall only contain one sales structure. 15460

A representative sample showroom shall consist of a structure 15461
constructed and maintained in accordance with the nonresidential 15462
building code adopted under Chapter 3781. of the Revised Code and 15463
the fire code adopted under section 3737.82 of the Revised Code 15464
for a use and occupancy group that permits mercantile sales. A 15465
representative sample showroom shall not contain any pyrotechnics, 15466
pyrotechnic materials, fireworks, explosives, explosive materials, 15467
or any similar hazardous materials or substances. A representative 15468
sample showroom shall be used only for the public viewing of 15469
fireworks product representations, including paper materials, 15470
packaging materials, catalogs, photographs, or other similar 15471
product depictions. The delivery of product to a purchaser of 15472
fireworks at a licensed premises that has a representative sample 15473
structure shall not occur inside any structure on a licensed 15474
premises. Such product delivery shall occur on the licensed 15475
premises in a manner prescribed by rules adopted by the fire 15476
marshal pursuant to Chapter 119. of the Revised Code. 15477

If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom, the 15478
showroom structures, to which the 15479
public may have any access and in which employees are required to 15480
work, on all licensed premises, ~~into compliance~~ shall comply 15481
with the following safety requirements: 15482

(1) A fireworks showroom that is constructed or upon which 15483
expansion is undertaken on and after ~~the effective date of this~~ 15484
~~section~~ June 30, 1997, shall be equipped with interlinked fire 15485
detection, fire suppression, smoke exhaust, and smoke evacuation 15486
systems that are approved by the superintendent of the division of 15487
industrial compliance in the department of commerce. 15488

(2) A fireworks showroom that first begins to operate on or 15489
after ~~the effective date of this section~~ June 30, 1997, and to 15490
which the public has access for retail purposes shall not exceed 15491
five thousand square feet in floor area. 15492

(3) A newly constructed or an existing fireworks showroom 15493
structure that exists on the effective date of this ~~section~~ 15494
amendment, but that, on or after the effective date of this 15495
~~section~~ amendment, is altered or added to in a manner requiring 15496
the submission of plans, drawings, specifications, or data 15497
pursuant to section 3791.04 of the Revised Code, shall comply with 15498
a graphic floor plan layout that is approved by the fire marshal 15499
and superintendent of the division of industrial compliance 15500
showing width of aisles, parallel arrangement of aisles to exits, 15501
number of exits per wall, maximum occupancy load, evacuation plan 15502
for occupants, height of storage or display of merchandise, and 15503
other information as may be required by the fire marshal and 15504
superintendent. 15505

~~(4)(a) Except as provided in division (A)(4)(b) of this~~ 15506
~~section, a fireworks showroom structure that exists on the~~ 15507
~~effective date of this section shall be retrofitted on or before~~ 15508
~~June 1, 1998, with interlinked fire detection, smoke exhaust, and~~ 15509

~~smoke evacuation systems that are approved by the superintendent
of the division of industrial compliance.~~ 15510
15511

~~(b) If meeting the retrofitting requirements set forth in
division (A)(4)(a) of this section would constitute an extreme
financial hardship that would force a licensee to terminate
business operations, the licensee shall conduct sales only on the
basis of defused representative samples in closed and covered
displays within the fireworks showroom.~~ 15512
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~~(5) A fireworks showroom structure that exists on the
effective date of this section June 30, 1997, shall be in
compliance on or ~~before June 1, 1998~~ after June 30, 1997, with
floor plans showing occupancy load limits and internal circulation
and egress patterns that are approved by the fire marshal and
superintendent of industrial compliance, and that are submitted
under seal as required by section 3791.04 of the Revised Code.~~ 15518
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~~(B)(D) The safety requirements established in division (A)(C)
of this section are not subject to any variance, waiver, or
exclusion pursuant to this chapter or any applicable building
code.~~ 15526
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Sec. 3743.40. (A) Any person who resides in another state and
who intends to ship fireworks into this state shall submit to the
fire marshal an application for a shipping permit. As used in this
section, "fireworks" includes only 1.3G and 1.4G fireworks. The
application shall be submitted prior to shipping fireworks into
this state, shall be on a form prescribed by the fire marshal,
shall contain the information required by division (B) of this
section and all information requested by the fire marshal, and
shall be accompanied by the fee and the documentation described in
division (C) of this section. 15530
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The fire marshal shall prescribe a form for applications for 15540

shipping permits and make a copy of the form available, upon 15541
request, to persons who seek such a permit. 15542

(B) In an application for a shipping permit, the applicant 15543
shall specify the types of fireworks to be shipped into this 15544
state. 15545

(C) An application for a shipping permit shall be accompanied 15546
by a fee of two thousand seven hundred fifty dollars. 15547

An application for a shipping permit shall be accompanied by 15548
a certified copy or other copy acceptable to the fire marshal of 15549
the applicant's license or permit issued in the applicant's state 15550
of residence and authorizing the applicant to engage in the 15551
manufacture, wholesale sale, or transportation of fireworks in 15552
that state, if that state issues such a license or permit, and by 15553
a statement by the applicant that the applicant understands and 15554
will abide by rules adopted by the fire marshal pursuant to 15555
section 3743.58 of the Revised Code for transporting fireworks. 15556

(D) Except as otherwise provided in this division, and 15557
subject to section 3743.70 of the Revised Code, the fire marshal 15558
shall issue a shipping permit to an applicant only if the fire 15559
marshal determines that the applicant is a resident of another 15560
state and is the holder of a license or permit issued by that 15561
state authorizing it to engage in the manufacture, wholesale sale, 15562
or transportation of fireworks in that state, and the fire marshal 15563
is satisfied that the application and documentation are complete 15564
and in conformity with this section and that the applicant will 15565
transport fireworks into this state in accordance with rules 15566
adopted by the fire marshal pursuant to section 3743.58 of the 15567
Revised Code. The fire marshal shall issue a shipping permit to an 15568
applicant if the applicant meets all of the requirements of this 15569
section for the issuance of a shipping permit except that the 15570
applicant does not hold a license or permit issued by the state of 15571
residence authorizing the applicant to engage in the manufacture, 15572

wholesale sale, or transportation of fireworks in that state 15573
because that state does not issue such a license or permit. 15574

(E) Each permit issued pursuant to this section shall contain 15575
a distinct number assigned to the particular permit holder, and 15576
contain the information described in division (B) of this section. 15577

The fire marshal shall maintain a list of all persons issued 15578
shipping permits. In this list next to each person's name, the 15579
fire marshal shall insert the date upon which the permit was 15580
issued and the information described in division (B) of this 15581
section. 15582

(F) A shipping permit is valid for one year from the date of 15583
issuance by the fire marshal and only if the permit holder ships 15584
the fireworks directly into this state to the holder of a license 15585
issued under section 3743.03 or 3743.16 of the Revised Code or a 15586
license holder under section 3743.51 of the Revised Code who 15587
possesses a valid exhibition permit issued in accordance with 15588
section 3743.54 of the Revised Code and the fireworks shipped are 15589
to be used at the specifically permitted exhibition. The permit 15590
authorizes the permit holder to ship fireworks, as described in 15591
rules adopted by the fire marshal under Chapter 119. of the 15592
Revised Code, directly to the holder of a license issued under 15593
section 3743.03 or 3743.16 of the Revised Code, and to possess the 15594
fireworks in this state while the permit holder is in the course 15595
of shipping them directly into this state. 15596

The holder of a shipping permit shall have the permit in the 15597
holder's possession in this state at all times while in the course 15598
of shipping the fireworks directly into this state. A shipping 15599
permit is not transferable or assignable. 15600

Sec. 3743.44. (A) Any person who resides in another state and 15601
who intends to obtain possession in this state of fireworks 15602
purchased in this state shall obtain possession of the fireworks 15603

only from a licensed manufacturer or licensed wholesaler and only 15604
possess the fireworks in this state while in the course of 15605
directly transporting them out of this state. No licensed 15606
manufacturer or licensed wholesaler shall sell 1.3G fireworks to a 15607
person who resides in another state unless that person has been 15608
issued a license or permit in the state of the person's residence 15609
that authorizes the person to engage in the manufacture, wholesale 15610
sale, or retail sale of 1.3G fireworks or that authorizes the 15611
person to conduct 1.3G fireworks exhibitions in that state and 15612
that person presents a certified copy of the license. No licensed 15613
manufacturer or licensed wholesaler shall sell fireworks to a 15614
person who resides in another state unless that person has been 15615
issued a license or permit in the state of the person's residence 15616
that authorizes the person to engage in the manufacture, wholesale 15617
sale, or retail sale of fireworks in that state or that authorizes 15618
the person to conduct fireworks exhibitions in that state and that 15619
person presents a certified copy of the license, or, if that 15620
person does not possess a license or permit of that nature, only 15621
if the person presents a current valid motor vehicle operator's 15622
license issued to the person in the person's state of residence, 15623
or, if that person does not possess a motor vehicle operator's 15624
license issued in that state, an identification card issued to the 15625
person by a governmental agency in the person's state of residence 15626
indicating that the person is a resident of that state. If a 15627
person who is required to present a motor vehicle operator's 15628
license or other identification card intends to transport the 15629
fireworks purchased directly out of this state by a motor vehicle 15630
and the person will not also be the operator of that motor vehicle 15631
while so transporting the fireworks, the operator of the motor 15632
vehicle also shall present the operator's motor vehicle operator's 15633
license. 15634

(B) A licensed manufacturer or licensed wholesaler selling 15635
fireworks under this section shall require the purchaser to 15636

complete a purchaser's form. The fire marshal shall prescribe the 15637
form, and the licensed manufacturer or licensed wholesaler shall 15638
furnish the form. On this form the purchaser shall include the 15639
purchaser's name and address; the date of the purchase; ~~the~~ 15640
~~destination to which the fireworks will be transported~~ a statement 15641
that the purchaser acknowledges that the purchaser is responsible 15642
for any illegal use of the fireworks, including any damages caused 15643
by improper use; the number of the purchaser's license or permit 15644
authorizing the purchaser to manufacture, sell at wholesale, or 15645
sell at retail fireworks or to conduct fireworks exhibitions, or 15646
the number of the purchaser's motor vehicle operator's license or 15647
other identification card, as applicable; such other information 15648
as the fire marshal may require; and the purchaser's signature. 15649
Each purchaser's form shall contain a statement printed in bold 15650
letters indicating that knowingly making a false statement on the 15651
form is falsification under section 2921.13 of the Revised Code 15652
and is a misdemeanor of the first degree. 15653

Each licensed manufacturer and licensed wholesaler shall keep 15654
each purchaser's form for a period of three years after the date 15655
of the purchase, and such forms shall be open to inspection by the 15656
fire marshal or the fire marshal's designated authority. 15657

(C) Each purchaser of fireworks under this section shall 15658
transport the fireworks so purchased directly out of this state 15659
within ~~seventy-two~~ forty-eight hours after the time of their 15660
purchase. 15661

This section regulates wholesale sales and retail sales of 15662
fireworks in this state only insofar as purchasers of fireworks 15663
are residents of other states and will be obtaining possession in 15664
this state of purchased fireworks. This section does not prohibit 15665
licensed manufacturers or wholesalers from selling fireworks, in 15666
accordance with section 3743.04 or sections 3743.17 and 3743.25 of 15667
the Revised Code, to a resident of another state and from shipping 15668

the purchased fireworks directly out of this state to the 15669
purchaser. 15670

Sec. 3743.45. (A) Any person who resides in this state and 15671
who intends to obtain possession in this state of 1.4G fireworks 15672
purchased in this state shall obtain possession of the 1.4G 15673
fireworks only from a licensed manufacturer or licensed 15674
wholesaler. 15675

A licensed manufacturer or licensed wholesaler selling 1.4G 15676
fireworks under this division shall require the purchaser to 15677
complete a purchaser's form, which shall be prescribed by the 15678
state fire marshal and furnished by the licensed manufacturer or 15679
licensed wholesaler. On this form the purchaser shall include the 15680
purchaser's name and address⁷ⁱ; the date of the purchase, ~~the~~ 15681
~~destination to which the fireworks will be transported,~~⁷ⁱ a 15682
statement that the purchaser acknowledges that the purchaser is 15683
responsible for any illegal use of the fireworks, including any 15684
damages caused by improper use; such other information as the fire 15685
marshal may require⁷ⁱ; and the purchaser's signature. Each 15686
purchaser's form shall contain a statement printed in bold letters 15687
indicating that knowingly making a false statement on the form is 15688
falsification under section 2921.13 of the Revised Code and is a 15689
misdemeanor of the first degree. 15690

Each licensed manufacturer and licensed wholesaler shall keep 15691
each purchaser's form for a period of three years after the date 15692
of the purchase, and such forms shall be open to inspection by the 15693
fire marshal or the fire marshal's designated authority. 15694

Each purchaser of 1.4G fireworks under this division shall 15695
transport the fireworks so purchased directly out of this state 15696
within forty-eight hours after the time of their purchase. 15697

This division does not apply to a person who resides in this 15698
state and who is also a licensed manufacturer, licensed 15699

wholesaler, or licensed exhibitor of fireworks in this state. 15700

(B) No licensed manufacturer or licensed wholesaler shall 15701
sell 1.3G fireworks to a person who resides in this state unless 15702
that person is a licensed manufacturer, licensed wholesaler, or 15703
licensed exhibitor of fireworks in this state. 15704

Sec. 3743.54. (A) A licensed exhibitor of fireworks may 15705
acquire fireworks for use at a public fireworks exhibition only 15706
from a licensed manufacturer of fireworks or licensed wholesaler 15707
of fireworks, and only in accordance with the procedures specified 15708
in this section and section 3743.55 of the Revised Code. ~~A~~ 15709
~~licensed exhibitor shall not acquire, for any purpose, 1.4G~~ 15710
~~fireworks as designated by the fire marshal in rules adopted~~ 15711
~~pursuant to division (A) of section 3743.05 of the Revised Code.~~ 15712

(B)(1) A licensed exhibitor of fireworks who wishes to 15713
conduct a public fireworks exhibition shall apply for approval to 15714
conduct the exhibition to whichever of the following persons is 15715
appropriate under the circumstances: 15716

(a) Unless division (B)(1)(c) or (d) of this section applies, 15717
if the exhibition will take place in a municipal corporation, the 15718
approval shall be obtained from the fire chief, and from the 15719
police chief or other similar chief law enforcement officer, or 15720
the designee of the police chief or similar chief law enforcement 15721
officer, of the particular municipal corporation. 15722

(b) Unless division (B)(1)(c) or (d) of this section applies, 15723
if the exhibition will take place in an unincorporated area, the 15724
approval shall be obtained from the fire chief of the particular 15725
township or township fire district, and from the police chief or 15726
other similar chief law enforcement officer, or the designee of 15727
the police chief or similar chief law enforcement officer, of the 15728
particular township or township police district. 15729

(c) If fire protection services for the premises on which the exhibition will take place are provided in accordance with a contract between political subdivisions, the approval shall be obtained from the fire chief of the political subdivision providing the fire protection services and from the police chief or other similar chief law enforcement officer, or the designee of the police chief or similar chief law enforcement officer, of the political subdivision in which the premises on which the exhibition will take place are located. If police services for the premises on which the exhibition will take place are provided in accordance with a contract between political subdivisions, the approval shall be obtained from the police chief or other similar chief law enforcement officer, or the designee of the police chief or similar chief law enforcement officer, of the political subdivision providing the police services and from the fire chief of the political subdivision in which the premises on which the exhibition will take place are located. If both fire and police protection services for the premises on which the exhibition will take place are provided in accordance with a contract between political subdivisions, the approval shall be obtained from the fire chief, and from the police chief or other similar chief law enforcement officer, or the designee of the police chief or similar chief law enforcement officer, of the political subdivisions providing the police and fire protection services.

(d) If there is no municipal corporation, township, or township fire district fire department, no municipal corporation, township, or township police district police department, and no contract for police or fire protection services between political subdivisions covering the premises on which the exhibition will take place, the approval shall be obtained from the fire prevention officer, and from the police chief or other similar chief law enforcement officer, or the designee of the police chief or other similar chief law enforcement officer, having

jurisdiction over the premises. 15763

(2) The approval required by division (B)(1) of this section 15764
shall be evidenced by the fire chief or fire prevention officer 15765
and by the police chief or other similar chief law enforcement 15766
officer, or the designee of the police chief or other similar 15767
chief law enforcement officer, signing a permit for the 15768
exhibition. The fire marshal shall prescribe the form of 15769
exhibition permits and distribute copies of the form to fire 15770
chiefs, to fire prevention officers, and to police chiefs or other 15771
similar chief law enforcement officers of municipal corporations, 15772
townships, or township police districts, or their designees, in 15773
this state. Any exhibitor of fireworks who wishes to conduct a 15774
public fireworks exhibition may obtain a copy of the form from the 15775
fire marshal or, if it is available, from a fire chief, a fire 15776
prevention officer, a police chief or other similar chief law 15777
enforcement officer of a municipal corporation, township, or 15778
township police district, or a designee of such a police chief or 15779
other similar chief law enforcement officer. 15780

(C) Before a permit is signed and issued to a licensed 15781
exhibitor of fireworks, the fire chief or fire prevention officer, 15782
in consultation with the police chief or other similar chief law 15783
enforcement officer or with the designee of the police chief or 15784
other similar chief law enforcement officer, shall inspect the 15785
premises on which the exhibition will take place and shall 15786
determine that, in fact, the applicant for the permit is a 15787
licensed exhibitor of fireworks. Each applicant shall show the 15788
applicant's license as an exhibitor of fireworks to the fire chief 15789
or fire prevention officer. 15790

The fire chief or fire prevention officer, and the police 15791
chief or other similar chief law enforcement officer, or the 15792
designee of the police chief or other similar chief law 15793
enforcement officer, shall give approval to conduct a public 15794

fireworks exhibition only if satisfied, based on the inspection, 15795
that the premises on which the exhibition will be conducted allow 15796
the exhibitor to comply with the rules adopted by the fire marshal 15797
pursuant to divisions (B) and (E) of section 3743.53 of the 15798
Revised Code and that the applicant is, in fact, a licensed 15799
exhibitor of fireworks. The fire chief or fire prevention officer, 15800
in consultation with the police chief or other similar chief law 15801
enforcement officer or with the designee of the police chief or 15802
other similar chief law enforcement officer, may inspect the 15803
premises immediately prior to the exhibition to determine if the 15804
exhibitor has complied with the rules, and may revoke a permit for 15805
noncompliance with the rules. 15806

(D) If the legislative authorities of their political 15807
subdivisions have prescribed a fee for the issuance of a permit 15808
for a public fireworks exhibition, fire chiefs or fire prevention 15809
officers, and police chiefs, other similar chief law enforcement 15810
officers, or their designee, shall not issue a permit until the 15811
exhibitor pays the requisite fee. 15812

Each exhibitor shall provide an indemnity bond in the amount 15813
of at least one million dollars, with surety satisfactory to the 15814
fire chief or fire prevention officer and to the police chief or 15815
other similar chief law enforcement officer, or the designee of 15816
the police chief or other similar chief law enforcement officer, 15817
conditioned for the payment of all final judgments that may be 15818
rendered against the exhibitor on account of injury, death, or 15819
loss to persons or property emanating from the fireworks 15820
exhibition, or proof of insurance coverage of at least one million 15821
dollars for liability arising from injury, death, or loss to 15822
persons or property emanating from the fireworks exhibition. The 15823
legislative authority of a political subdivision in which a public 15824
fireworks exhibition will take place may require the exhibitor to 15825
provide an indemnity bond or proof of insurance coverage in 15826

amounts greater than those required by this division. Fire chiefs 15827
or fire prevention officers, and police chiefs, other similar 15828
chief law enforcement officers, or their designee, shall not issue 15829
a permit until the exhibitor provides the bond or proof of the 15830
insurance coverage required by this division or by the political 15831
subdivision in which the fireworks exhibition will take place. 15832

(E)(1) Each permit for a fireworks exhibition issued by a 15833
fire chief or fire prevention officer, and by the police chief or 15834
other similar chief law enforcement officer, or the designee of 15835
the police chief or other similar chief law enforcement officer, 15836
shall contain a distinct number, designate the municipal 15837
corporation, township, or township fire or police district of the 15838
fire chief, fire prevention officer, police chief or other similar 15839
chief law enforcement officer, or designee of the police chief or 15840
other similar chief law enforcement officer, and identify the 15841
certified fire safety inspector, fire chief, or fire prevention 15842
officer who will be present before, during, and after the 15843
exhibition, where appropriate. A copy of each permit issued shall 15844
be forwarded by the fire chief or fire prevention officer, and by 15845
the police chief or other similar chief law enforcement officer, 15846
or the designee of the police chief or other similar chief law 15847
enforcement officer, issuing it to the fire marshal, who shall 15848
keep a record of the permits received. A permit is not 15849
transferable or assignable. 15850

(2) Each fire chief, fire prevention officer, police chief or 15851
other similar chief law enforcement officer, and designee of a 15852
police chief or other similar chief law enforcement officer shall 15853
keep a record of issued permits for fireworks exhibitions. In this 15854
list, the fire chief, fire prevention officer, police chief or 15855
other similar chief law enforcement officer, and designee of a 15856
police chief or other similar chief law enforcement officer shall 15857
list the name of the exhibitor, the exhibitor's license number, 15858

the premises on which the exhibition will be conducted, the date 15859
and time of the exhibition, and the number and political 15860
subdivision designation of the permit issued to the exhibitor for 15861
the exhibition. 15862

(F) The governing authority having jurisdiction in the 15863
location where an exhibition is to take place shall require that a 15864
certified fire safety inspector, fire chief, or fire prevention 15865
officer be present before, during, and after the exhibition, and 15866
shall require the certified fire safety inspector, fire chief, or 15867
fire prevention officer to inspect the premises where the 15868
exhibition is to take place and determine whether the exhibition 15869
is in compliance with this chapter. 15870

(G) Notwithstanding any provision of the Revised Code to the 15871
contrary, the state fire marshal is hereby authorized to create 15872
additional license categories for fireworks exhibitors and to 15873
create additional permit requirements for fireworks exhibitions 15874
for the indoor use of fireworks and other uses of pyrotechnics, 15875
including the use of pyrotechnic materials that do not meet the 15876
definition of fireworks as described in section 3743.01 of the 15877
Revised Code. Such licenses and permits and the fees for such 15878
licenses and permits shall be described in rules adopted by the 15879
fire marshal under Chapter 119. of the Revised Code. Such rules 15880
may provide for different standards for exhibitor licensure and 15881
the permitting and conducting of a fireworks exhibition than the 15882
requirements of this chapter. 15883

Prior to the state fire marshal's adoption of the rules 15884
described in this division, the director of commerce shall appoint 15885
a committee consisting of the state fire marshal or the marshal's 15886
designee, three representatives of the fireworks industry, and 15887
three representatives of the fire service to assist the state fire 15888
marshal in adopting these rules. Unless an extension is granted by 15889
the director of commerce, the state fire marshal shall adopt 15890

initial rules under this section not later than July 1, 2010. 15891

Sec. 3743.56. Each fireworks exhibitor licensed under section 15892
3743.51 of the Revised Code shall register annually with the fire 15893
marshal all employees who assist the licensed exhibitor in 15894
conducting fireworks exhibitions. Once registered, such an 15895
employee may be employed by any other licensed fireworks 15896
exhibitor, without the need for that other licensed exhibitor to 15897
register the employee with the fire marshal. The fire marshal 15898
shall maintain a record of licensed exhibitors and registered 15899
employees and make it available, upon request, to any law 15900
enforcement agency. 15901

The fire marshal shall adopt rules under Chapter 119. of the 15902
Revised Code that establish appropriate fees for the registration 15903
of employees of licensed exhibitors and otherwise implement this 15904
section. 15905

In addition to the annual registration of employees required 15906
by this section, a licensed exhibitor shall file an application to 15907
register a new employee, unless the new employee is already 15908
registered under this section, not later than seven days after the 15909
date on which the employee is hired. 15910

Each applicant for registration under this section shall 15911
provide fingerprint or similar identifying information to the fire 15912
marshal for the purposes of determining applicant compliance with 15913
section 3743.70 of the Revised Code. The fire marshal may adopt 15914
rules under Chapter 119. of the Revised Code specifying the method 15915
to be used by the applicant to provide the fingerprint or similar 15916
identifying information, fees to be assessed by the fire marshal 15917
to conduct such background checks, and the procedures to be used 15918
by the fire marshal to verify compliance with this section. Such 15919
rules may include provisions establishing the frequency that 15920
license renewal applicants must update background check 15921

information filed by the applicant with previous license 15922
applications and provisions describing alternative forms of 15923
background check information that may be accepted by the fire 15924
marshal to verify compliance with this section. 15925

Sec. 3743.65. (A) No person shall possess fireworks in this 15926
state or shall possess for sale or sell fireworks in this state, 15927
except a licensed manufacturer of fireworks as authorized by 15928
sections 3743.02 to 3743.08 of the Revised Code, a licensed 15929
wholesaler of fireworks as authorized by sections 3743.15 to 15930
3743.21 of the Revised Code, a shipping permit holder as 15931
authorized by section 3743.40 of the Revised Code, an out-of-state 15932
resident as authorized by section 3743.44 of the Revised Code, a 15933
resident of this state as authorized by section 3743.45 of the 15934
Revised Code, or a licensed exhibitor of fireworks as authorized 15935
by sections 3743.50 to 3743.55 of the Revised Code, and except as 15936
provided in section 3743.80 of the Revised Code. 15937

(B) Except as provided in section 3743.80 of the Revised Code 15938
and except for licensed exhibitors of fireworks authorized to 15939
conduct a fireworks exhibition pursuant to sections 3743.50 to 15940
3743.55 of the Revised Code, no person shall discharge, ignite, or 15941
explode any fireworks in this state. 15942

(C) No person shall use in a theater or public hall, what is 15943
technically known as fireworks showers, or a mixture containing 15944
potassium chlorate and sulphur. 15945

(D) No person shall sell fireworks of any kind to a person 15946
under eighteen years of age. No person under eighteen years of age 15947
shall enter a fireworks sales showroom unless that person is 15948
accompanied by a parent, legal guardian, or other responsible 15949
adult. No person under eighteen years of age shall touch or 15950
possess fireworks on a licensed premises without the consent of 15951
the licensee. A licensee may eject any person from a licensed 15952

premises that is in any way disruptive to the safe operation of 15953
the premises. 15954

~~(E) No person shall advertise 1.4G fireworks for sale. A sign~~ 15955
~~located on a seller's premises identifying the seller as a seller~~ 15956
~~of fireworks is not the advertising of fireworks for sale.~~ 15957

~~(F)~~ No person, other than a licensed manufacturer, licensed 15958
wholesaler, licensed exhibitor, or shipping permit holder, shall 15959
possess 1.3G fireworks in this state. 15960

~~(G)~~(F) Except as otherwise provided in division (J) of 15961
section 3743.06 and division (K) of section 3743.19 of the Revised 15962
Code, no person shall knowingly disable a fire suppression system 15963
as defined in section 3781.108 of the Revised Code on the premises 15964
of a fireworks plant of a licensed manufacturer of fireworks or on 15965
the premises of the business operations of a licensed wholesaler 15966
of fireworks. 15967

Sec. 3743.70. The fire marshal shall not issue an initial or 15968
a renewal of a license or, permit, or registration under this 15969
chapter on or after ~~the effective date of this section~~ June 30, 15970
1997, if the applicant for the license or permit, or any 15971
individual holding, owning, or controlling a five per cent or 15972
greater beneficial or equity interest in the applicant for the 15973
license or permit, has been convicted of or pleaded guilty to a 15974
felony under the laws of this state, another state, or the United 15975
States. The fire marshal shall revoke or deny renewal of a license 15976
or permit first issued under this chapter on or after ~~the~~ 15977
~~effective date of this section~~ June 30, 1997, if the holder of the 15978
license or permit, or any individual holding, owning, or 15979
controlling a five per cent or greater beneficial or equity 15980
interest in the holder of the license or permit, is convicted of 15981
or pleads guilty to a felony under the laws of this state, another 15982
state, or the United States. 15983

The state fire marshal may adopt rules under Chapter 119. of 15984
the Revised Code specifying the method to be used by the 15985
applicants subject to this section to provide the fingerprint or 15986
similar identifying information, fees to be assessed by the fire 15987
marshal to conduct such background checks, and the procedures to 15988
be used by the state fire marshal to verify compliance with this 15989
section. Such rules may include provisions establishing rules for 15990
conducting background checks and prohibiting licensure, permitting 15991
or registration under this chapter for persons convicted of a 15992
felony or similar offense in another country, the frequency that 15993
license renewal applicants must update background check 15994
information filed by the applicant with previous license 15995
applications, provisions describing alternative forms of 15996
background check information that may be accepted by the fire 15997
marshal to verify compliance with this section, and provisions 15998
that permit the state fire marshal to waive the applicability of 15999
this section if the applicant produces verified documentation that 16000
demonstrates that this state, another state, the United States, or 16001
another country has determined that applicant is appropriate for 16002
licensure, permitting, or registration under this chapter. 16003

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 16004
section 3743.60 or division (H) of section 3743.64 of the Revised 16005
Code is guilty of a felony of the third degree. 16006

(B) Whoever violates division (C) or (D) of section 3743.60, 16007
division (A), (B), (C), or (D) of section 3743.61, or division (A) 16008
or (B) of section 3743.64 of the Revised Code is guilty of a 16009
felony of the fourth degree. 16010

(C) Whoever violates division (E), (F), (G), (H), (I), or (J) 16011
of section 3743.60, division (E), (F), (G), (H), (I), or (J) of 16012
section 3743.61, section 3743.63, division (D), (E), (F), or (G) 16013
of section 3743.64, division (A), (B), (C), (D), or ~~(F)~~(E) of 16014

section 3743.65, or section 3743.66 of the Revised Code is guilty 16015
of a misdemeanor of the first degree. If the offender previously 16016
has been convicted of or pleaded guilty to a violation of division 16017
(I) of section 3743.60 or 3743.61 of the Revised Code, a violation 16018
of either of these divisions is a felony of the fifth degree. 16019

(D) Whoever violates division (C) of section 3743.64 of the 16020
Revised Code is guilty of a misdemeanor of the first degree. In 16021
addition to any other penalties that may be imposed on a licensed 16022
exhibitor of fireworks under this division and unless the third 16023
sentence of this division applies, the person's license as an 16024
exhibitor of fireworks or as an assistant exhibitor of fireworks 16025
shall be suspended, and the person is ineligible to apply for 16026
either type of license, for a period of five years. If the 16027
violation of division (C) of section 3743.64 of the Revised Code 16028
results in serious physical harm to persons or serious physical 16029
harm to property, the person's license as an exhibitor of 16030
fireworks or as an assistant exhibitor of fireworks shall be 16031
revoked, and that person is ineligible to apply for a license as 16032
or to be licensed as an exhibitor of fireworks or as an assistant 16033
exhibitor of fireworks in this state. 16034

(E) Whoever violates division ~~(G)~~(F) of section 3743.65 of 16035
the Revised Code is guilty of a felony of the fifth degree. 16036

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of 16037
the Revised Code do not apply to the following: 16038

(A) Policies offering coverage that is regulated under 16039
Chapters 3935. and 3937. of the Revised Code; 16040

(B) An employer's self-insurance plan and any of its 16041
administrators, as defined in section 3959.01 of the Revised Code, 16042
to the extent that federal law supersedes, preempts, prohibits, or 16043
otherwise precludes the application of any provisions of those 16044
sections to the plan and its administrators; 16045

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the medicaid program operated under Title XIX of the "Social Security Act," except that if a federal waiver applied for under section 5111.178 of the Revised Code is granted or the director of job and family services determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46;

(E) A third-party payer for coverage provided under the tricare program offered by the United States department of defense.

(F) A third-party payer for coverage provided under the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.

Sec. 3905.40. There shall be paid to the superintendent of insurance the following fees:

(A) Each insurance company doing business in this state shall pay:

(1) For filing a copy of its charter or deed of settlement, two hundred fifty dollars;

(2) For filing each statement, one hundred seventy-five dollars;

(3) For each certificate of authority or license, one hundred

seventy-five, and for each certified copy thereof, five dollars;	16076
(4) For each copy of a paper filed in the superintendent's office, twenty cents per page;	16077 16078
(5) For issuing certificates of deposits or certified copies thereof, five dollars for the first certificate or copy and one dollar for each additional certificate or copy;	16079 16080 16081
(6) For issuing certificates of compliance or certified copies thereof, sixty dollars;	16082 16083
(7) For affixing the seal of office and certifying documents, other than those enumerated herein, two dollars.	16084 16085
(B) Each domestic life insurance company doing business in this state shall pay for annual valuation of its policies, one cent on every one thousand dollars of insurance.	16086 16087 16088
(C) Each applicant for licensure as an <u>individual</u> insurance agent except applicants for licensure as limited lines insurance agents and surplus line brokers shall pay ten dollars before admission to any examination required by the superintendent. Such fee shall not be paid by the appointing insurance company for each <u>line of authority requested. Fees collected under this division shall be credited to the department of insurance operating fund created in section 3901.021 of the Revised Code.</u>	16089 16090 16091 16092 16093 16094 16095 16096
(D) Each domestic mutual life insurance company shall pay for verifying that any amendment to its articles of incorporation was regularly adopted, two hundred fifty dollars with each application for verification. Any such amendment shall be considered to have been regularly adopted when approved by the affirmative vote of two-thirds of the policyholders present in person or by proxy at any annual meeting of policyholders or at a special meeting of policyholders called for that purpose.	16097 16098 16099 16100 16101 16102 16103 16104
Sec. 3923.281. (A) As used in this section:	16105

(1) "Biologically based mental illness" means schizophrenia, 161106
schizoaffective disorder, major depressive disorder, bipolar 161107
disorder, paranoia and other psychotic disorders, 161108
obsessive-compulsive disorder, and panic disorder, as these terms 161109
are defined in the most recent edition of the diagnostic and 161110
statistical manual of mental disorders published by the American 161111
psychiatric association. 161112

(2) "Policy of sickness and accident insurance" has the same 161113
meaning as in section 3923.01 of the Revised Code, but excludes 161114
any hospital indemnity, medicare supplement, long-term care, 161115
disability income, one-time-limited-duration policy of not longer 161116
than six months, supplemental benefit, or other policy that 161117
provides coverage for specific diseases or accidents only; any 161118
policy that provides coverage for workers' compensation claims 161119
compensable pursuant to Chapters 4121. and 4123. of the Revised 161120
Code; ~~and~~ any policy that provides coverage to beneficiaries 161121
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 161122
(1935), 42 U.S.C.A. 301, as amended, known as the medical 161123
assistance program or medicaid, as provided by the Ohio department 161124
of job and family services under Chapter 5111. of the Revised 161125
Code; and any policy that provides coverage to beneficiaries 161126
enrolled in the children's buy-in program established under 161127
sections 5101.5211 to 5101.5216 of the Revised Code. 161128

(B) Notwithstanding section 3901.71 of the Revised Code, and 161129
subject to division (E) of this section, every policy of sickness 161130
and accident insurance shall provide benefits for the diagnosis 161131
and treatment of biologically based mental illnesses on the same 161132
terms and conditions as, and shall provide benefits no less 161133
extensive than, those provided under the policy of sickness and 161134
accident insurance for the treatment and diagnosis of all other 161135
physical diseases and disorders, if both of the following apply: 161136
161137

(1) The biologically based mental illness is clinically 16138
diagnosed by a physician authorized under Chapter 4731. of the 16139
Revised Code to practice medicine and surgery or osteopathic 16140
medicine and surgery; a psychologist licensed under Chapter 4732. 16141
of the Revised Code; a professional clinical counselor, 16142
professional counselor, or independent social worker licensed 16143
under Chapter 4757. of the Revised Code; or a clinical nurse 16144
specialist licensed under Chapter 4723. of the Revised Code whose 16145
nursing specialty is mental health. 16146

(2) The prescribed treatment is not experimental or 16147
investigational, having proven its clinical effectiveness in 16148
accordance with generally accepted medical standards. 16149

(C) Division (B) of this section applies to all coverages and 16150
terms and conditions of the policy of sickness and accident 16151
insurance, including, but not limited to, coverage of inpatient 16152
hospital services, outpatient services, and medication; maximum 16153
lifetime benefits; copayments; and individual and family 16154
deductibles. 16155

(D) Nothing in this section shall be construed as prohibiting 16156
a sickness and accident insurance company from taking any of the 16157
following actions: 16158

(1) Negotiating separately with mental health care providers 16159
with regard to reimbursement rates and the delivery of health care 16160
services; 16161

(2) Offering policies that provide benefits solely for the 16162
diagnosis and treatment of biologically based mental illnesses; 16163

(3) Managing the provision of benefits for the diagnosis or 16164
treatment of biologically based mental illnesses through the use 16165
of pre-admission screening, by requiring beneficiaries to obtain 16166
authorization prior to treatment, or through the use of any other 16167
mechanism designed to limit coverage to that treatment determined 16168

to be necessary; 16169

(4) Enforcing the terms and conditions of a policy of 16170
sickness and accident insurance. 16171

(E) An insurer that offers any policy of sickness and 16172
accident insurance is not required to provide benefits for the 16173
diagnosis and treatment of biologically based mental illnesses 16174
pursuant to division (B) of this section if all of the following 16175
apply: 16176

(1) The insurer submits documentation certified by an 16177
independent member of the American academy of actuaries to the 16178
superintendent of insurance showing that incurred claims for 16179
diagnostic and treatment services for biologically based mental 16180
illnesses for a period of at least six months independently caused 16181
the insurer's costs for claims and administrative expenses for the 16182
coverage of all other physical diseases and disorders to increase 16183
by more than one per cent per year. 16184

(2) The insurer submits a signed letter from an independent 16185
member of the American academy of actuaries to the superintendent 16186
of insurance opining that the increase described in division 16187
(E)(1) of this section could reasonably justify an increase of 16188
more than one per cent in the annual premiums or rates charged by 16189
the insurer for the coverage of all other physical diseases and 16190
disorders. 16191

(3) The superintendent of insurance makes the following 16192
determinations from the documentation and opinion submitted 16193
pursuant to divisions (E)(1) and (2) of this section: 16194

(a) Incurred claims for diagnostic and treatment services for 16195
biologically based mental illnesses for a period of at least six 16196
months independently caused the insurer's costs for claims and 16197
administrative expenses for the coverage of all other physical 16198
diseases and disorders to increase by more than one per cent per 16199

year. 16200

(b) The increase in costs reasonably justifies an increase of 16201
more than one per cent in the annual premiums or rates charged by 16202
the insurer for the coverage of all other physical diseases and 16203
disorders. 16204

Any determination made by the superintendent under this 16205
division is subject to Chapter 119. of the Revised Code. 16206

Sec. 3923.443. (A)(1) No agent shall sell, solicit, or 16207
negotiate long-term care insurance on or after September 1, 2008, 16208
without completing an initial eight-hour partnership program 16209
training course as described in division (B) of this section. 16210

(2)(a) Any agent that sells, solicits, or negotiates any 16211
long-term care insurance shall complete at least four hours of 16212
continuing education in every twenty-four-month period commencing 16213
on the first day of January of the year immediately following the 16214
year of the issuance of the agent's license. 16215

(b) No agent shall fail to complete the continuing education 16216
requirements in division (A)(2)(a) of this section in the 16217
twenty-four-month period described in that division. 16218

(B) The initial training course and continuing education 16219
required under division (A) of this section may be approved by the 16220
superintendent of insurance as continuing education courses under 16221
sections 3905.481 to 3905.486 of the Revised Code and shall 16222
consist of combined topics related to long-term care insurance, 16223
long-term care services, and state long-term care insurance 16224
partnership programs, including all of the following: 16225

(1) State and federal regulations and requirements and the 16226
relationship between state long-term care insurance partnership 16227
programs and other public and private coverage of long-term care 16228
services, including medicaid; 16229

(2) Available long-term care services and providers;	16230
(3) Changes or improvements in long-term care services or providers;	16231 16232
(4) Alternatives to the purchase of private long-term care insurance;	16233 16234
(5) The effect of inflation on benefits and the importance of inflation protection;	16235 16236
(6) Consumer suitability standards and guidelines;	16237
(7) Any other topics required by the superintendent.	16238
(C) The initial training and continuing education required by division (A) of this section shall not include training that is specific to a particular insurer or company product or that includes any sales or marketing information, materials, or training other than those required by state or federal law.	16239 16240 16241 16242 16243
(D) <u>Am A resident agent shall satisfy the training and continuing education required by division (A) of this section by completing long-term care courses that are approved by the superintendent. A nonresident agent may complete satisfy the training and continuing education required by division (A) of this section by completing partnership program the training requirements in any other state, provided that the course is approved for credit by the superintendent insurance department of that state prior to the agent taking the course.</u>	16244 16245 16246 16247 16248 16249 16250 16251 16252
(E) Each insurer shall maintain <u>obtain</u> records of the initial training and continuing education completed by agents of that insurer pursuant to division (A) of this section as well as the training completed by the insurer's agents concerning the distribution of the insurer's partnership program policies and shall make those records available to the superintendent upon request.	16253 16254 16255 16256 16257 16258 16259

(F) ~~The superintendent shall certify to the director of job and family services that the superintendent has verified that all agents selling, soliciting, or negotiating long term care insurance in Ohio have completed the training and continuing education required by division (A) of this section including training concerning~~ Each insurer shall maintain records with respect to the training of its agents concerning the distribution of the insurer's partnership program policies. Each insurer shall provide documentation to the superintendent that will allow the superintendent to provide assurance to the director of job and family services that agents have received the training required by this section and that agents have demonstrated an understanding of the partnership program policies and their relationship to public and private coverage of long-term care in this state, including medicaid. The superintendent may audit each insurer's records annually to verify that the insurer is maintaining the records required by this division. The superintendent shall make the records provided to the superintendent pursuant to division (E) of this section available to the director.

Sec. 3925.101. With the approval of the superintendent of insurance, sections 3925.06 to 3925.09 and 3925.20 of the Revised Code shall not apply to a domestic insurance company that qualifies as a foreign country branch of a United States company that writes policies exclusively in countries other than the United States if those other countries have laws pertaining to insurance company investments and the foreign country branch is required to comply with those laws.

Sec. 3961.04. (A) A discount medical plan organization or marketer shall disclose all of the following information in writing in not less than twelve-point type on the first content page of any advertisements, marketing materials, or brochures made

available to the public relating to a discount medical plan and 16291
with any enrollment forms: 16292

(1) A statement that the discount medical plan is not 16293
insurance; 16294

(2) A statement that the range of discounts for medical 16295
services offered under the discount medical plan will vary 16296
depending on the type of provider and medical services; 16297

(3) A statement that the discount medical plan is prohibited 16298
from making members' payments to providers for medical services 16299
received under the discount medical plan; 16300

(4) A statement that the member is obligated to pay for all 16301
discounted medical services received under the discount medical 16302
plan; 16303

(5) The discount medical plan organization's toll-free 16304
telephone number and internet web site address that a member or 16305
prospective member may use to obtain additional information about 16306
and assistance with the discount medical plan and up-to-date lists 16307
of providers participating in the discount medical plan. 16308

(B) If a discount medical plan organization's or marketer's 16309
initial contact with a prospective member is by telephone, the 16310
organization or marketer shall disclose all of the information 16311
listed in division (A) of this section orally in addition to 16312
including such disclosures in the initial written materials 16313
provided to the prospective or new member. 16314

(C) In addition to the disclosures required under division 16315
(A) of this section, a discount medical plan organization shall 16316
provide to each prospective member, at the time of enrollment, a 16317
copy of the terms and conditions of the discount medical plan, 16318
including any limitations or restrictions on the refund of any 16319
processing fees or periodic charges associated with the discount 16320

medical plan. A discount medical plan organization also shall 16321
provide each new member a written document containing the terms 16322
and conditions of the discount medical plan and including all of 16323
the following: 16324

- (1) Name of the member; 16325
- (2) Benefits provided under the discount medical plan; 16326
- (3) Any processing fees and periodic charges associated with 16327
the discount medical plan, including, but not limited to, if 16328
applicable, the procedures for changing the mode of payment and 16329
any accompanying additional charges; 16330
- (4) Any limitations, exclusions, or exceptions regarding the 16331
receipt of discount medical plan benefits; 16332
- (5) Any waiting periods for certain medical services under 16333
the discount medical plan; 16334
- (6) Procedures for obtaining discounts under the discount 16335
medical plan, such as requiring members to contact the discount 16336
medical plan organization to request that the organization make an 16337
appointment with a provider on the member's behalf; 16338
- (7) Cancellation and refund rights described in section 16339
3961.06 of the Revised Code; 16340
- (8) Membership renewal, termination, and cancellation terms 16341
and conditions; 16342
- (9) Procedures for adding new family members to the discount 16343
medical plan; 16344
- (10) Procedures for filing complaints under the discount 16345
medical plan organization's complaint system and a statement 16346
explaining that, if the member remains dissatisfied after 16347
completing the organization's complaint system, the member may 16348
contact the department of insurance; 16349
- (11) Name, mailing address, and toll-free telephone number of 16350

the discount medical plan organization that a member may use to 16351
make inquiries about the discount medical plan, send cancellation 16352
notices, and file complaints. 16353

(D) A discount medical plan organization shall maintain on an 16354
internet web site page an up-to-date list of the names and 16355
addresses of the providers with which the organization has 16356
contracted directly or indirectly through a provider network. The 16357
organization's internet web site address shall be prominently 16358
displayed on all of the organization's advertisements, marketing 16359
materials, brochures, and discount medical plan cards. 16360

(E) When a discount medical plan organization or marketer 16361
sells a discount medical plan together with any other product, the 16362
organization or marketer shall do either of the following: 16363

(1) Provide the charges for each discount medical plan in 16364
writing to the member; 16365

(2) Reimburse the member for all periodic charges for the 16366
discount medical plan and all periodic charges for any other 16367
product if the member cancels ~~his or her~~ membership in accordance 16368
with division (B) of section ~~3901.06~~ 3961.06 of the Revised Code. 16369

Sec. 4112.12. (A) There is hereby created the commission on 16370
African-American males, which shall consist of not more than 16371
~~twenty-three~~ twenty-five members as follows: the directors or 16372
their designees of the departments of health, development, alcohol 16373
and drug addiction services, and job and family services; the 16374
equal employment opportunity officer of the department of 16375
administrative services or the equal employment opportunity 16376
officer's designee; the executive director or the executive 16377
director's designee of the Ohio civil rights commission; the 16378
executive director or the executive director's designee of the 16379
division of criminal justice services in the department of public 16380
safety; the superintendent of public instruction; the chancellor 16381

or the chancellor's designee of the Ohio board of regents; two 16382
members of the house of representatives appointed by the speaker 16383
of the house of representatives each of whom shall be members of 16384
different political parties; and two members of the senate 16385
appointed by the president of the senate each of whom shall be 16386
members of different political parties. The members who are 16387
members of the general assembly shall be nonvoting members. The 16388
Ohio state university African American and African studies 16389
community extension center, in consultation with the governor, 16390
shall appoint ~~two~~ four members from the private corporate sector, 16391
at least four members from the public sector, and two members from 16392
the nonprofit sector. 16393

(B) Terms of office shall be for three years, except that 16394
members of the general assembly appointed to the commission shall 16395
be members only so long as they are members of the general 16396
assembly. Each term ends on the same day of the same month as did 16397
the term that it succeeds. Each member shall hold office from the 16398
date of appointment until the end of the term for which the member 16399
was appointed. Members may be reappointed. Vacancies shall be 16400
filled in the manner provided for original appointments. Any 16401
member appointed to fill a vacancy occurring prior to the 16402
expiration date of the term for which the member's predecessor was 16403
appointed shall hold office as a member for the remainder of that 16404
term. A member shall continue in office subsequent to the 16405
expiration date of the member's term until the member's successor 16406
takes office or until a period of sixty days has elapsed, 16407
whichever occurs first. 16408

The commission annually shall elect a chairperson from among 16409
its members. 16410

(C) Members of the commission and members of subcommittees 16411
appointed under division (B) of section 4112.13 of the Revised 16412
Code shall not be compensated, but shall be reimbursed for their 16413

necessary and actual expenses incurred in the performance of their 16414
official duties. 16415

(D) The Ohio state university African American and African 16416
studies community extension center, in consultation with the 16417
governor, shall appoint an executive director of the commission on 16418
African-American males, who shall be in the unclassified civil 16419
service. The executive director shall supervise the commission's 16420
activities and report to the commission and to the Ohio state 16421
university African American and African studies community 16422
extension center on the progress of those activities. The 16423
executive director shall do all things necessary for the efficient 16424
and effective implementation of the duties of the commission. 16425
16426

The responsibilities assigned to the executive director do 16427
not relieve the members of the commission from final 16428
responsibility for the proper performance of the requirements of 16429
this division. 16430

(E) The commission on African-American males shall do all of 16431
the following: 16432

(1) Employ, promote, supervise, and remove all employees, as 16433
needed, in connection with the performance of its duties under 16434
this section; 16435

(2) Maintain its office in Columbus; 16436

(3) Acquire facilities, equipment, and supplies necessary to 16437
house the commission, its employees, and files and records under 16438
its control, and to discharge any duty imposed upon it by law. The 16439
expense of these acquisitions shall be audited and paid for in the 16440
same manner as other state expenses. 16441

(4) Establish the overall policy and management of the 16442
commission in accordance with this chapter; 16443

- (5) Follow all state procurement requirements; 16444
- (6) Implement the policies and plans of the Ohio state 16445
university African American and African studies community 16446
extension center as those policies and plans are formulated and 16447
adopted by the Ohio state university African American and African 16448
studies community extension center; 16449
- (7) Report to the Ohio state university African American and 16450
African studies community extension center on the progress of the 16451
commission on African-American males in implementing the policies 16452
and plans of the Ohio state university African American and 16453
African studies community extension center. 16454
- (F) The commission on African-American males may: 16455
- (1) Hold sessions at any place within the state, except that 16456
the commission on African-American males shall meet at least 16457
quarterly; 16458
- (2) Establish, change, or abolish positions, and assign and 16459
reassign duties and responsibilities of any employee of the 16460
commission on African-American males as necessary to achieve the 16461
most efficient performance of its functions. 16462
- (G) The Ohio state university African American and African 16463
studies community extension center shall establish the overall 16464
policy and management of the commission on African-American males 16465
and shall direct, manage, and oversee the commission. The Ohio 16466
state university African American and African studies community 16467
extension center shall develop overall policies and plans, and the 16468
commission on African-American males shall implement those 16469
policies and plans. The commission on African-American males, 16470
through its executive director, shall keep the Ohio state 16471
university African American and African studies community 16472
extension center informed as to the activities of the commission 16473
on African-American males in such manner and at such times as the 16474

Ohio state university African American and African studies 16475
community extension center shall determine. 16476

The Ohio state university African American and African 16477
studies community extension center may prescribe duties and 16478
responsibilities of the commission on African-American males in 16479
addition to those prescribed in section 4112.13 of the Revised 16480
Code. 16481

(H) The Ohio state university African American and African 16482
studies community extension center annually shall contract for a 16483
report on the status of ~~African Americans~~ African Americans in 16484
this state. Issues to be evaluated in the report shall include the 16485
criminal justice system, education, employment, health care, and 16486
housing, and such other issues as the Ohio state university 16487
African American and African studies community extension center 16488
may specify. The report shall include policy recommendations 16489
relating to the issues covered in the report. 16490

Sec. 4117.14. (A) The procedures contained in this section 16491
govern the settlement of disputes between an exclusive 16492
representative and a public employer concerning the termination or 16493
modification of an existing collective bargaining agreement or 16494
negotiation of a successor agreement, or the negotiation of an 16495
initial collective bargaining agreement. 16496

(B)(1) In those cases where there exists a collective 16497
bargaining agreement, any public employer or exclusive 16498
representative desiring to terminate, modify, or negotiate a 16499
successor collective bargaining agreement shall: 16500

(a) Serve written notice upon the other party of the proposed 16501
termination, modification, or successor agreement. The party must 16502
serve the notice not less than sixty days prior to the expiration 16503
date of the existing agreement or, in the event the existing 16504
collective bargaining agreement does not contain an expiration 16505

date, not less than sixty days prior to the time it is proposed to 16506
make the termination or modifications or to make effective a 16507
successor agreement. 16508

(b) Offer to bargain collectively with the other party for 16509
the purpose of modifying or terminating any existing agreement or 16510
negotiating a successor agreement; 16511

(c) Notify the state employment relations board of the offer 16512
by serving upon the board a copy of the written notice to the 16513
other party and a copy of the existing collective bargaining 16514
agreement. 16515

(2) In the case of initial negotiations between a public 16516
employer and an exclusive representative, where a collective 16517
bargaining agreement has not been in effect between the parties, 16518
any party may serve notice upon the board and the other party 16519
setting forth the names and addresses of the parties and offering 16520
to meet, for a period of ninety days, with the other party for the 16521
purpose of negotiating a collective bargaining agreement. 16522

If the settlement procedures specified in divisions (B), (C), 16523
and (D) of this section govern the parties, where those procedures 16524
refer to the expiration of a collective bargaining agreement, it 16525
means the expiration of the sixty-day period to negotiate a 16526
collective bargaining agreement referred to in this subdivision, 16527
or in the case of initial negotiations, it means the ninety day 16528
period referred to in this subdivision. 16529

(3) The parties shall continue in full force and effect all 16530
the terms and conditions of any existing collective bargaining 16531
agreement, without resort to strike or lock-out, for a period of 16532
sixty days after the party gives notice or until the expiration 16533
date of the collective bargaining agreement, whichever occurs 16534
later, or for a period of ninety days where applicable. 16535

(4) Upon receipt of the notice, the parties shall enter into 16536

collective bargaining. 16537

(C) In the event the parties are unable to reach an 16538
agreement, they may submit, at any time prior to forty-five days 16539
before the expiration date of the collective bargaining agreement, 16540
the issues in dispute to any mutually agreed upon dispute 16541
settlement procedure which supersedes the procedures contained in 16542
this section. 16543

(1) The procedures may include: 16544

(a) Conventional arbitration of all unsettled issues; 16545

(b) Arbitration confined to a choice between the last offer 16546
of each party to the agreement as a single package; 16547

(c) Arbitration confined to a choice of the last offer of 16548
each party to the agreement on each issue submitted; 16549

(d) The procedures described in division (C)(1)(a), (b), or 16550
(c) of this section and including among the choices for the 16551
arbitrator, the recommendations of the fact finder, if there are 16552
recommendations, either as a single package or on each issue 16553
submitted; 16554

(e) Settlement by a citizens' conciliation council composed 16555
of three residents within the jurisdiction of the public employer. 16556
The public employer shall select one member and the exclusive 16557
representative shall select one member. The two members selected 16558
shall select the third member who shall chair the council. If the 16559
two members cannot agree upon a third member within five days 16560
after their appointments, the board shall appoint the third 16561
member. Once appointed, the council shall make a final settlement 16562
of the issues submitted to it pursuant to division (G) of this 16563
section. 16564

(f) Any other dispute settlement procedure mutually agreed to 16565
by the parties. 16566

(2) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.

The board shall intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining.

If an impasse exists or forty-five days before the expiration date of the collective bargaining agreement if one exists, the board shall appoint a mediator to assist the parties in the collective bargaining process.

(3) Any time after the appointment of a mediator, either party may request the appointment of a fact-finding panel. Within fifteen days after receipt of a request for a fact-finding panel, the board shall appoint a fact-finding panel of not more than three members who have been selected by the parties in accordance with rules established by the board, from a list of qualified persons maintained by the board.

(a) The fact-finding panel shall, in accordance with rules and procedures established by the board that include the regulation of costs and expenses of fact-finding, gather facts and make recommendations for the resolution of the matter. The board shall by its rules require each party to specify in writing the unresolved issues and its position on each issue to the fact-finding panel. The fact-finding panel shall make final recommendations as to all the unresolved issues.

(b) The board may continue mediation, order the parties to engage in collective bargaining until the expiration date of the agreement, or both.

(4) The following guidelines apply to fact-finding: 16598

(a) The fact-finding panel may establish times and place of 16599
hearings which shall be, where feasible, in the jurisdiction of 16600
the state. 16601

(b) The fact-finding panel shall conduct the hearing pursuant 16602
to rules established by the board. 16603

(c) Upon request of the fact-finding panel, the board shall 16604
issue subpoenas for hearings conducted by the panel. 16605

(d) The fact-finding panel may administer oaths. 16606

(e) The board shall prescribe guidelines for the fact-finding 16607
panel to follow in making findings. In making its recommendations, 16608
the fact-finding panel shall take into consideration the factors 16609
listed in divisions (G)(7)(a) to (f) of this section. 16610

(f) The fact-finding panel may attempt mediation at any time 16611
during the fact-finding process. From the time of appointment 16612
until the fact-finding panel makes a final recommendation, it 16613
shall not discuss the recommendations for settlement of the 16614
dispute with parties other than the direct parties to the dispute. 16615

(5) The fact-finding panel, acting by a majority of its 16616
members, shall transmit its findings of fact and recommendations 16617
on the unresolved issues to the public employer and employee 16618
organization involved and to the board no later than fourteen days 16619
after the appointment of the fact-finding panel, unless the 16620
parties mutually agree to an extension. The parties shall share 16621
the cost of the fact-finding panel in a manner agreed to by the 16622
parties. 16623

(6)(a) Not later than seven days after the findings and 16624
recommendations are sent, the legislative body, by a three-fifths 16625
vote of its total membership, and in the case of the public 16626
employee organization, the membership, by a three-fifths vote of 16627

the total membership, may reject the recommendations; if neither 16628
rejects the recommendations, the recommendations shall be deemed 16629
agreed upon as the final resolution of the issues submitted and a 16630
collective bargaining agreement shall be executed between the 16631
parties, including the fact-finding panel's recommendations, 16632
except as otherwise modified by the parties by mutual agreement. 16633
If either the legislative body or the public employee organization 16634
rejects the recommendations, the board shall publicize the 16635
findings of fact and recommendations of the fact-finding panel. 16636
The board shall adopt rules governing the procedures and methods 16637
for public employees to vote on the recommendations of the 16638
fact-finding panel. 16639

(b) As used in division (C)(6)(a) of this section, 16640
"legislative body" means the controlling board when the state or 16641
any of its agencies, authorities, commissions, boards, or other 16642
branch of public employment is party to the fact-finding process. 16643

(D) If the parties are unable to reach agreement within seven 16644
days after the publication of findings and recommendations from 16645
the fact-finding panel or the collective bargaining agreement, if 16646
one exists, has expired, then the: 16647

(1) Public employees, who are members of a police or fire 16648
department, members of the state highway patrol, deputy sheriffs, 16649
dispatchers employed by a police, fire or sheriff's department or 16650
the state highway patrol or civilian dispatchers employed by a 16651
public employer other than a police, fire, or sheriff's department 16652
to dispatch police, fire, sheriff's department, or emergency 16653
medical or rescue personnel and units, an exclusive nurse's unit, 16654
employees of the state school for the deaf or the state school for 16655
the blind, employees of any public employee retirement system, 16656
corrections officers, guards at penal or mental institutions, 16657
special police officers appointed in accordance with sections 16658
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 16659

employed at mental health forensic facilities, ~~or~~ youth leaders 16660
employed at juvenile correctional facilities, or members of a law 16661
enforcement security force that is established and maintained 16662
exclusively by a board of county commissioners and whose members 16663
are employed by that board, shall submit the matter to a final 16664
offer settlement procedure pursuant to a board order issued 16665
forthwith to the parties to settle by a conciliator selected by 16666
the parties. The parties shall request from the board a list of 16667
five qualified conciliators and the parties shall select a single 16668
conciliator from the list by alternate striking of names. If the 16669
parties cannot agree upon a conciliator within five days after the 16670
board order, the board shall on the sixth day after its order 16671
appoint a conciliator from a list of qualified persons maintained 16672
by the board or shall request a list of qualified conciliators 16673
from the American arbitration association and appoint therefrom. 16674

(2) Public employees other than those listed in division 16675
(D)(1) of this section have the right to strike under Chapter 16676
4117. of the Revised Code provided that the employee organization 16677
representing the employees has given a ten-day prior written 16678
notice of an intent to strike to the public employer and to the 16679
board, and further provided that the strike is for full, 16680
consecutive work days and the beginning date of the strike is at 16681
least ten work days after the ending date of the most recent prior 16682
strike involving the same bargaining unit; however, the board, at 16683
its discretion, may attempt mediation at any time. 16684

(E) Nothing in this section shall be construed to prohibit 16685
the parties, at any time, from voluntarily agreeing to submit any 16686
or all of the issues in dispute to any other alternative dispute 16687
settlement procedure. An agreement or statutory requirement to 16688
arbitrate or to settle a dispute pursuant to a final offer 16689
settlement procedure and the award issued in accordance with the 16690
agreement or statutory requirement is enforceable in the same 16691

manner as specified in division (B) of section 4117.09 of the Revised Code. 16692
16693

(F) Nothing in this section shall be construed to prohibit a party from seeking enforcement of a collective bargaining agreement or a conciliator's award as specified in division (B) of section 4117.09 of the Revised Code. 16694
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(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section: 16698
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(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time. 16700
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(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable. 16706
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(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position. 16709
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(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing. 16717
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(5) The conciliator may administer oaths. 16719

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the 16720
16721

hearing. The board shall submit for inclusion in the record and 16722
for consideration by the conciliator the written report and 16723
recommendation of the fact-finders. 16724

(7) After hearing, the conciliator shall resolve the dispute 16725
between the parties by selecting, on an issue-by-issue basis, from 16726
between each of the party's final settlement offers, taking into 16727
consideration the following: 16728

(a) Past collectively bargained agreements, if any, between 16729
the parties; 16730

(b) Comparison of the issues submitted to final offer 16731
settlement relative to the employees in the bargaining unit 16732
involved with those issues related to other public and private 16733
employees doing comparable work, giving consideration to factors 16734
peculiar to the area and classification involved; 16735

(c) The interests and welfare of the public, the ability of 16736
the public employer to finance and administer the issues proposed, 16737
and the effect of the adjustments on the normal standard of public 16738
service; 16739

(d) The lawful authority of the public employer; 16740

(e) The stipulations of the parties; 16741

(f) Such other factors, not confined to those listed in this 16742
section, which are normally or traditionally taken into 16743
consideration in the determination of the issues submitted to 16744
final offer settlement through voluntary collective bargaining, 16745
mediation, fact-finding, or other impasse resolution procedures in 16746
the public service or in private employment. 16747

(8) Final offer settlement awards made under Chapter 4117. of 16748
the Revised Code are subject to Chapter 2711. of the Revised Code. 16749

(9) If more than one conciliator is used, the determination 16750
must be by majority vote. 16751

(10) The conciliator shall make written findings of fact and 16752
promulgate a written opinion and order upon the issues presented 16753
to the conciliator, and upon the record made before the 16754
conciliator and shall mail or otherwise deliver a true copy 16755
thereof to the parties and the board. 16756

(11) Increases in rates of compensation and other matters 16757
with cost implications awarded by the conciliator may be effective 16758
only at the start of the fiscal year next commencing after the 16759
date of the final offer settlement award; provided that if a new 16760
fiscal year has commenced since the issuance of the board order to 16761
submit to a final offer settlement procedure, the awarded 16762
increases may be retroactive to the commencement of the new fiscal 16763
year. The parties may, at any time, amend or modify a 16764
conciliator's award or order by mutual agreement. 16765

(12) The parties shall bear equally the cost of the final 16766
offer settlement procedure. 16767

(13) Conciliators appointed pursuant to this section shall be 16768
residents of the state. 16769

(H) All final offer settlement awards and orders of the 16770
conciliator made pursuant to Chapter 4117. of the Revised Code are 16771
subject to review by the court of common pleas having jurisdiction 16772
over the public employer as provided in Chapter 2711. of the 16773
Revised Code. If the public employer is located in more than one 16774
court of common pleas district, the court of common pleas in which 16775
the principal office of the chief executive is located has 16776
jurisdiction. 16777

(I) The issuance of a final offer settlement award 16778
constitutes a binding mandate to the public employer and the 16779
exclusive representative to take whatever actions are necessary to 16780
implement the award. 16781

Sec. 4117.15. (A) Whenever a strike by members of a police or 16782
fire department, members of the state highway patrol, deputy 16783
sheriffs, dispatchers employed by a police, fire or sheriff's 16784
department or the state highway patrol or civilian dispatchers 16785
employed by a public employer other than a police, fire, or 16786
sheriff's department to dispatch police, fire, sheriff's 16787
department, or emergency medical or rescue personnel and units, an 16788
exclusive nurse's unit, employees of the state school for the deaf 16789
or the state school for the blind, employees of any public 16790
employee retirement system, correction officers, guards at penal 16791
or mental institutions, or special ~~police~~police officers appointed in accordance with sections 5119.14 and 5123.13 16792
of the Revised Code, psychiatric attendants employed at mental 16793
health forensic facilities, youth leaders employed at juvenile 16794
correctional facilities, or members of a law enforcement security 16795
force that is established and maintained exclusively by a board of 16796
county commissioners and whose members are employed by that board, 16797
a strike by other public employees during the pendency of the 16798
settlement procedures set forth in section 4117.14 of the Revised 16799
Code, or a strike during the term or extended term of a collective 16800
bargaining agreement occurs, the public employer may seek an 16801
injunction against the strike in the court of common pleas of the 16802
county in which the strike is located. 16803
16804

(B) An unfair labor practice by a public employer is not a 16805
defense to the injunction proceeding noted in division (A) of this 16806
section. Allegations of unfair labor practices during the 16807
settlement procedures set forth in section 4117.14 of the Revised 16808
Code shall receive priority by the state employment relations 16809
board. 16810

(C) No public employee is entitled to pay or compensation 16811
from the public employer for the period engaged in any strike. 16812

Sec. 4123.26. Every employer shall keep records of, and 16813
furnish to the bureau of workers' compensation upon request, all 16814
information required by the administrator of workers' compensation 16815
to carry out this chapter. In January of each year, every employer 16816
of the state employing one or more employees regularly in the same 16817
business, or in or about the same establishment, shall prepare and 16818
mail to the bureau at its main office in Columbus a statement 16819
containing the following information, as applicable: 16820

(A) The number of employees employed during the preceding 16821
year from the first day of January through the thirty-first day of 16822
December; 16823

(B) The number of such employees employed at each kind of 16824
employment and the aggregate amount of wages paid to such 16825
employees; 16826

(C) In accordance with the rules adopted by the administrator 16827
pursuant to division (D) of section 4123.32 of the Revised Code, 16828
if the employer employs employees who are covered under the 16829
federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 16830
1639, 33 U.S.C. 901 et seq., and under this chapter and Chapter 16831
4121. of the Revised Code, both of the following amounts: 16832

(1) The amount of wages the employer pays to those employees 16833
when the employees perform labor and provide services for which 16834
the employees are eligible to receive compensation and benefits 16835
under the federal "Longshore and Harbor Workers' Compensation 16836
Act;" 16837

(2) The amount of wages the employer pays to those employees 16838
when the employees perform labor and provide services for which 16839
the employees are eligible to receive compensation and benefits 16840
under this chapter and Chapter 4121. of the Revised Code. 16841

The allocation of wages identified by the employer pursuant 16842

to divisions (C)(1) and (2) of this section shall not be presumed 16843
to be an indication of the law under which an employee is eligible 16844
to receive compensation and benefits. 16845

The information shall be furnished on a blank to be prepared 16846
by the bureau. The bureau shall furnish the blanks to employers 16847
free of charge upon request therefor. Every employer receiving 16848
from the bureau any blank, with directions to fill out the same, 16849
shall cause the same to be properly filled out so as to answer 16850
fully and correctly all questions therein propounded, and give all 16851
the information therein sought, or if unable to do so, ~~he~~ the 16852
employer shall give to the bureau in writing good and sufficient 16853
reasons for such failure. The bureau may require that the 16854
information required to be furnished be verified under oath and 16855
returned to the bureau within the period fixed by it or by law. 16856
The bureau or any person employed by the bureau for that purpose, 16857
may examine, under oath, any employer, or the officer, agent, or 16858
employee thereof, for the purpose of ascertaining any information 16859
which the employer is required to furnish to the bureau. 16860

No employer shall fail to furnish to the bureau the annual 16861
statement required by this section, nor shall any employer fail to 16862
keep records of or furnish such other information as may be 16863
required by the bureau under this section. 16864

Whoever violates this section shall forfeit five hundred 16865
dollars, to be collected in a civil action brought against the 16866
employer in the name of the state, to be paid into the state 16867
insurance fund and become a part thereof. 16868

Sec. 4123.32. The administrator of workers' compensation, 16869
with the advice and consent of the bureau of workers' compensation 16870
board of directors, shall adopt rules with respect to the 16871
collection, maintenance, and disbursements of the state insurance 16872
fund including all of the following: 16873

(A) A rule providing that the premium security deposit 16874
collected from any employer entitles the employer to the benefits 16875
of this chapter for the remainder of the six months and also for 16876
an additional adjustment period of two months, and, thereafter, if 16877
the employer pays the premium due at the close of any six-month 16878
period, coverage shall be extended for an additional eight-month 16879
period beginning from the end of the six-month period for which 16880
the employer pays the premium due; 16881

(B) A rule providing for ascertaining the correctness of any 16882
employer's report of estimated or actual expenditure of wages and 16883
the determination and adjustment of proper premiums and the 16884
payment of those premiums by the employer for or during any period 16885
less than eight months and notwithstanding any payment or 16886
determination of premium made when exceptional conditions or 16887
circumstances in the judgment of the administrator justify the 16888
action; 16889

(C) Such special rules as the administrator considers 16890
necessary to safeguard the fund and that are just in the 16891
circumstances, covering the rates to be applied where one employer 16892
takes over the occupation or industry of another or where an 16893
employer first makes application for state insurance, and the 16894
administrator may require that if any employer transfers a 16895
business in whole or in part or otherwise reorganizes the 16896
business, the successor in interest shall assume, in proportion to 16897
the extent of the transfer, as determined by the administrator, 16898
the employer's account and shall continue the payment of all 16899
contributions due under this chapter; 16900

(D) A rule providing that an employer who employs an employee 16901
covered under the federal "Longshore and Harbor Workers' 16902
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 16903
chapter and Chapter 4121. of the Revised Code shall be assessed a 16904
premium in accordance with the expenditure of wages, payroll, or 16905

both attributable to only labor performed and services provided by 16906
such an employee when the employee performs labor and provides 16907
services for which the employee is not eligible to receive 16908
compensation and benefits under that federal act. 16909

(E) A rule providing for all of the following: 16910

(1) If, within two months immediately after the expiration of 16911
the six-month period, an employer fails to file a report of the 16912
employer's actual payroll expenditures for the period, the premium 16913
found to be due from the employer for the period shall be 16914
increased in an amount equal to one per cent of the premium, but 16915
the increase shall not be less than three nor more than fifteen 16916
dollars; 16917

(2) The premium determined by the administrator to be due 16918
from an employer shall be payable on or before the end of the 16919
coverage period established by the premium security deposit, or 16920
within the time specified by the administrator if the period for 16921
which the advance premium has been paid is less than eight months. 16922
If an employer fails to pay the premium when due, the 16923
administrator may add a late fee penalty of not more than thirty 16924
dollars to the premium plus an additional penalty amount as 16925
follows: 16926

(a) For a premium from sixty-one to ninety days past due, the 16927
prime interest rate, multiplied by the premium due; 16928

(b) For a premium from ninety-one to one hundred twenty days 16929
past due, the prime interest rate plus two per cent, multiplied by 16930
the premium due; 16931

(c) For a premium from one hundred twenty-one to one hundred 16932
fifty days past due, the prime interest rate plus four per cent, 16933
multiplied by the premium due; 16934

(d) For a premium from one hundred fifty-one to one hundred 16935
eighty days past due, the prime interest rate plus six per cent, 16936

multiplied by the premium due; 16937

(e) For a premium from one hundred eighty-one to two hundred 16938
ten days past due, the prime interest rate plus eight per cent, 16939
multiplied by the premium due; 16940

(f) For each additional thirty-day period or portion thereof 16941
that a premium remains past due after it has remained past due for 16942
more than two hundred ten days, the prime interest rate plus eight 16943
per cent, multiplied by the premium due. 16944

(3) Notwithstanding the interest rates specified in division 16945
~~(D)~~(E)(2) of this section, at no time shall the additional penalty 16946
amount assessed under division ~~(D)~~(E)(2) of this section exceed 16947
fifteen per cent of the premium due. 16948

(4) An employer may appeal a late fee penalty or additional 16949
penalty to an adjudicating committee pursuant to section 4123.291 16950
of the Revised Code. 16951

For purposes of division ~~(D)~~ (E) of this section, "prime 16952
interest rate" means the average bank prime rate, and the 16953
administrator shall determine the prime interest rate in the same 16954
manner as a county auditor determines the average bank prime rate 16955
under section 929.02 of the Revised Code. 16956

(5) If the employer files an appropriate payroll report, 16957
within the time provided by law or within the time specified by 16958
the administrator if the period for which the employer paid an 16959
estimated premium is less than eight months, the employer shall 16960
not be in default and division ~~(D)~~(E)(2) of this section shall not 16961
apply if the employer pays the premiums within fifteen days after 16962
being first notified by the administrator of the amount due. 16963

(6) Any deficiencies in the amounts of the premium security 16964
deposit paid by an employer for any period shall be subject to an 16965
interest charge of six per cent per annum from the date the 16966
premium obligation is incurred. In determining the interest due on 16967

deficiencies in premium security deposit payments, a charge in 16968
each case shall be made against the employer in an amount equal to 16969
interest at the rate of six per cent per annum on the premium 16970
security deposit due but remaining unpaid sixty days after notice 16971
by the administrator. 16972

(7) Any interest charges or penalties provided for in 16973
divisions ~~(D)~~(E)(2) and (6) of this section shall be credited to 16974
the employer's account for rating purposes in the same manner as 16975
premiums. 16976

~~(E)~~(F) A rule providing that each employer, on the occasion 16977
of instituting coverage under this chapter, shall submit a premium 16978
security deposit. The deposit shall be calculated equivalent to 16979
thirty per cent of the semiannual premium obligation of the 16980
employer based upon the employer's estimated expenditure for wages 16981
for the ensuing six-month period plus thirty per cent of an 16982
additional adjustment period of two months but only up to a 16983
maximum of one thousand dollars and not less than ten dollars. The 16984
administrator shall review the security deposit of every employer 16985
who has submitted a deposit which is less than the 16986
one-thousand-dollar maximum. The administrator may require any 16987
such employer to submit additional money up to the maximum of one 16988
thousand dollars that, in the administrator's opinion, reflects 16989
the employer's current payroll expenditure for an eight-month 16990
period. 16991

~~(F)~~(G) A rule providing that each employer, on the occasion 16992
of instituting coverage under this chapter, shall submit an 16993
application for coverage that completely provides all of the 16994
information required for the administrator to establish coverage 16995
for that employer, and that the employer's failure to provide all 16996
of the information completely may be grounds for the administrator 16997
to deny coverage for that employer. 16998

~~(G)~~(H) A rule providing that, in addition to any other 16999

remedies permitted in this chapter, the administrator may 17000
discontinue an employer's coverage if the employer fails to pay 17001
the premium due on or before the premium's due date. 17002

~~(H)~~(I) A rule providing that if after a final adjudication it 17003
is determined that an employer has failed to pay an obligation, 17004
billing, account, or assessment that is greater than one thousand 17005
dollars on or before its due date, the administrator may 17006
discontinue the employer's coverage in addition to any other 17007
remedies permitted in this chapter, and that the administrator 17008
shall not discontinue an employer's coverage pursuant to this 17009
division prior to a final adjudication regarding the employer's 17010
failure to pay such obligation, billing, account, or assessment on 17011
or before its due date. 17012

~~(I)~~(J) As used in divisions ~~(G)~~ and (H) and (I) of this 17013
section: 17014

(1) "Employer" has the same meaning as in division (B) of 17015
section 4123.01 of the Revised Code except that "employer" does 17016
not include the state, a state hospital, or a state university or 17017
college. 17018

(2) "State university or college" has the same meaning as in 17019
section 3345.12 of the Revised Code and also includes the Ohio 17020
agricultural research and development center and the Ohio state 17021
university cooperative extension service. 17022

(3) "State hospital" means the Ohio state university hospital 17023
and its ancillary facilities and the medical university of Ohio at 17024
Toledo hospital. 17025

Sec. 4123.37. In this section "amenable employer" has the 17026
same meaning as "employer" as defined in division ~~(H)~~ (J) of 17027
section 4123.32 of the Revised Code. 17028

If the administrator of workers' compensation finds that any 17029

person, firm, or private corporation, including any public service 17030
corporation, is, or has been at any time after January 1, 1923, an 17031
amenable employer and has not complied with section 4123.35 of the 17032
Revised Code the administrator shall determine the period during 17033
which the person, firm, or corporation was an amenable employer 17034
and shall forthwith give notice of the determination to the 17035
employer. Within twenty days thereafter the employer shall furnish 17036
the bureau with the payroll covering the period included in the 17037
determination and, if the employer is an amenable employer at the 17038
time of the determination, shall pay a premium security deposit 17039
for the eight months next succeeding the date of the determination 17040
and shall pay into the state insurance fund the amount of premium 17041
applicable to such payroll. 17042

If the employer does not furnish the payroll and pay the 17043
applicable premium and premium security deposit within the twenty 17044
days, the administrator shall forthwith make an assessment of the 17045
premium due from the employer for the period the administrator 17046
determined the employer to be an amenable employer including the 17047
premium security deposit according to section 4123.32 of the 17048
Revised Code if the employer is an amenable employer at the time 17049
of the determination, basing the assessment upon the information 17050
in the possession of the administrator. 17051

The administrator shall give to the employer assessed written 17052
notice of the assessment. The notice shall be mailed to the 17053
employer at the employer's residence or usual place of business by 17054
certified mail. Unless the employer to whom the notice of 17055
assessment is directed files with the bureau within twenty days 17056
after receipt thereof, a petition in writing, verified under oath 17057
by the employer, or the employer's authorized agent having 17058
knowledge of the facts, setting forth with particularity the items 17059
of the assessment objected to, together with the reason for the 17060
objections, the assessment shall become conclusive and the amount 17061

thereof shall be due and payable from the employer so assessed to 17062
the state insurance fund. When a petition objecting to an 17063
assessment is filed the bureau shall assign a time and place for 17064
the hearing of the same and shall notify the petitioner thereof by 17065
certified mail. When an employer files a petition the assessment 17066
made by the administrator shall become due and payable ten days 17067
after notice of the finding made at the hearing has been sent by 17068
certified mail to the party assessed. An appeal may be taken from 17069
any finding to the court of common pleas of Franklin county upon 17070
the execution by the party assessed of a bond to the state in 17071
double the amount found due and ordered paid by the bureau 17072
conditioned that the party will pay any judgment and costs 17073
rendered against it for the premium. 17074

When no petition objecting to an assessment is filed or when 17075
a finding is made affirming or modifying an assessment after 17076
hearing, a certified copy of the assessment as affirmed or 17077
modified may be filed by the administrator in the office of the 17078
clerk of the court of common pleas in any county in which the 17079
employer has property or in which the employer has a place of 17080
business. The clerk, immediately upon the filing of the 17081
assessment, shall enter a judgment for the state against the 17082
employer in the amount shown on the assessment. The judgment may 17083
be filed by the clerk in a loose leaf book entitled "special 17084
judgments for state insurance fund." The judgment shall bear the 17085
same rate of interest, have the same effect as other judgments, 17086
and be given the same preference allowed by law on other judgments 17087
rendered for claims for taxes. An assessment or judgment under 17088
this section shall not be a bar to the adjustment of the 17089
employer's account upon the employer furnishing the employer's 17090
payroll records to the bureau. 17091

The administrator, for good cause shown, may waive a default 17092
in the payment of premium where the default is of less than sixty 17093

days' duration, and upon payment by the employer of the premium 17094
for the period, the employer and the employer's employees are 17095
entitled to all of the benefits and immunities provided by this 17096
chapter. 17097

Sec. 4123.54. (A) ~~Every~~ Except as otherwise provided in 17098
division (I) of this section, every employee, who is injured or 17099
who contracts an occupational disease, and the dependents of each 17100
employee who is killed, or dies as the result of an occupational 17101
disease contracted in the course of employment, wherever such 17102
injury has occurred or occupational disease has been contracted, 17103
provided the same were not: 17104

(1) Purposely self-inflicted; or 17105

(2) Caused by the employee being intoxicated or under the 17106
influence of a controlled substance not prescribed by a physician 17107
where the intoxication or being under the influence of the 17108
controlled substance not prescribed by a physician was the 17109
proximate cause of the injury, is entitled to receive, either 17110
directly from the employee's self-insuring employer as provided in 17111
section 4123.35 of the Revised Code, or from the state insurance 17112
fund, the compensation for loss sustained on account of the 17113
injury, occupational disease, or death, and the medical, nurse, 17114
and hospital services and medicines, and the amount of funeral 17115
expenses in case of death, as are provided by this chapter. 17116

(B) For the purpose of this section, provided that an 17117
employer has posted written notice to employees that the results 17118
of, or the employee's refusal to submit to, any chemical test 17119
described under this division may affect the employee's 17120
eligibility for compensation and benefits pursuant to this chapter 17121
and Chapter 4121. of the Revised Code, there is a rebuttable 17122
presumption that an employee is intoxicated or under the influence 17123
of a controlled substance not prescribed by the employee's 17124

physician and that being intoxicated or under the influence of a 17125
controlled substance not prescribed by the employee's physician is 17126
the proximate cause of an injury under either of the following 17127
conditions: 17128

(1) When any one or more of the following is true: 17129

(a) The employee, through a qualifying chemical test 17130
administered within eight hours of an injury, is determined to 17131
have an alcohol concentration level equal to or in excess of the 17132
levels established in divisions (A)(1)(b) to (i) of section 17133
4511.19 of the Revised Code; 17134

(b) The employee, through a qualifying chemical test 17135
administered within thirty-two hours of an injury, is determined 17136
to have one of the following controlled substances not prescribed 17137
by the employee's physician in the employee's system that tests 17138
above the following levels in an enzyme multiplied immunoassay 17139
technique screening test and above the levels established in 17140
division (B)(1)(c) of this section in a gas chromatography mass 17141
spectrometry test: 17142

(i) For amphetamines, one thousand nanograms per milliliter 17143
of urine; 17144

(ii) For cannabinoids, fifty nanograms per milliliter of 17145
urine; 17146

(iii) For cocaine, including crack cocaine, three hundred 17147
nanograms per milliliter of urine; 17148

(iv) For opiates, two thousand nanograms per milliliter of 17149
urine; 17150

(v) For phencyclidine, twenty-five nanograms per milliliter 17151
of urine. 17152

(c) The employee, through a qualifying chemical test 17153
administered within thirty-two hours of an injury, is determined 17154

to have one of the following controlled substances not prescribed 17155
by the employee's physician in the employee's system that tests 17156
above the following levels by a gas chromatography mass 17157
spectrometry test: 17158

(i) For amphetamines, five hundred nanograms per milliliter 17159
of urine; 17160

(ii) For cannabinoids, fifteen nanograms per milliliter of 17161
urine; 17162

(iii) For cocaine, including crack cocaine, one hundred fifty 17163
nanograms per milliliter of urine; 17164

(iv) For opiates, two thousand nanograms per milliliter of 17165
urine; 17166

(v) For phencyclidine, twenty-five nanograms per milliliter 17167
of urine. 17168

(d) The employee, through a qualifying chemical test 17169
administered within thirty-two hours of an injury, is determined 17170
to have barbiturates, benzodiazepines, methadone, or propoxyphene 17171
in the employee's system that tests above levels established by 17172
laboratories certified by the United States department of health 17173
and human services. 17174

(2) When the employee refuses to submit to a requested 17175
chemical test, on the condition that that employee is or was given 17176
notice that the refusal to submit to any chemical test described 17177
in division (B)(1) of this section may affect the employee's 17178
eligibility for compensation and benefits under this chapter and 17179
Chapter 4121. of the Revised Code. 17180

(C)(1) For purposes of division (B) of this section, a 17181
chemical test is a qualifying chemical test if it is administered 17182
to an employee after an injury under at least one of the following 17183
conditions: 17184

(a) When the employee's employer had reasonable cause to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician;

(b) At the request of a police officer pursuant to section 4511.191 of the Revised Code, and not at the request of the employee's employer;

(c) At the request of a licensed physician who is not employed by the employee's employer, and not at the request of the employee's employer.

(2) As used in division (C)(1)(a) of this section, "reasonable cause" means, but is not limited to, evidence that an employee is or was using alcohol or a controlled substance drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. These facts and inferences may be based on, but are not limited to, any of the following:

(a) Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;

(b) A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;

(c) The identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or

trafficking of a controlled substance;	17216
(d) A report of use of alcohol or a controlled substance provided by a reliable and credible source;	17217 17218
(e) Repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.	17219 17220 17221 17222 17223 17224
(D) Nothing in this section shall be construed to affect the rights of an employer to test employees for alcohol or controlled substance abuse.	17225 17226 17227
(E) For the purpose of this section, laboratories certified by the United States department of health and human services or laboratories that meet or exceed the standards of that department for laboratory certification shall be used for processing the test results of a qualifying chemical test.	17228 17229 17230 17231 17232
(F) The written notice required by division (B) of this section shall be the same size or larger then the certificate of premium payment notice furnished by the bureau of workers' compensation and shall be posted by the employer in the same location as the certificate of premium payment notice or the certificate of self-insurance.	17233 17234 17235 17236 17237 17238
(G) If a condition that pre-existed an injury is substantially aggravated by the injury, and that substantial aggravation is documented by objective diagnostic findings, objective clinical findings, or objective test results, no compensation or benefits are payable because of the pre-existing condition once that condition has returned to a level that would have existed without the injury.	17239 17240 17241 17242 17243 17244 17245
(H) Whenever, with respect to an employee of an employer who	17246

is subject to and has complied with this chapter, there is 17247
possibility of conflict with respect to the application of 17248
workers' compensation laws because the contract of employment is 17249
entered into and all or some portion of the work is or is to be 17250
performed in a state or states other than Ohio, the employer and 17251
the employee may agree to be bound by the laws of this state or by 17252
the laws of some other state in which all or some portion of the 17253
work of the employee is to be performed. The agreement shall be in 17254
writing and shall be filed with the bureau of workers' 17255
compensation within ten days after it is executed and shall remain 17256
in force until terminated or modified by agreement of the parties 17257
similarly filed. If the agreement is to be bound by the laws of 17258
this state and the employer has complied with this chapter, then 17259
the employee is entitled to compensation and benefits regardless 17260
of where the injury occurs or the disease is contracted and the 17261
rights of the employee and the employee's dependents under the 17262
laws of this state are the exclusive remedy against the employer 17263
on account of injury, disease, or death in the course of and 17264
arising out of the employee's employment. If the agreement is to 17265
be bound by the laws of another state and the employer has 17266
complied with the laws of that state, the rights of the employee 17267
and the employee's dependents under the laws of that state are the 17268
exclusive remedy against the employer on account of injury, 17269
disease, or death in the course of and arising out of the 17270
employee's employment without regard to the place where the injury 17271
was sustained or the disease contracted. 17272

If any employee or the employee's dependents are awarded 17273
workers' compensation benefits or recover damages from the 17274
employer under the laws of another state, the amount awarded or 17275
recovered, whether paid or to be paid in future installments, 17276
shall be credited on the amount of any award of compensation or 17277
benefits made to the employee or the employee's dependents by the 17278
bureau. 17279

If an employee is a resident of a state other than this state 17280
and is insured under the workers' compensation law or similar laws 17281
of a state other than this state, the employee and the employee's 17282
dependents are not entitled to receive compensation or benefits 17283
under this chapter, on account of injury, disease, or death 17284
arising out of or in the course of employment while temporarily 17285
within this state, and the rights of the employee and the 17286
employee's dependents under the laws of the other state are the 17287
exclusive remedy against the employer on account of the injury, 17288
disease, or death. 17289

(I) If an employee who is covered under the federal 17290
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 17291
33 U.S.C. 901 et seq., is injured or contracts an occupational 17292
disease or dies as a result of an injury or occupational disease, 17293
and if that employee's or that employee's dependents' claim for 17294
compensation or benefits for that injury, occupational disease, or 17295
death is subject to the jurisdiction of that act, the employee or 17296
the employee's dependents are not entitled to apply for and shall 17297
not receive compensation or benefits under this chapter and 17298
Chapter 4121. of the Revised Code. The rights of such an employee 17299
and the employee's dependents under the federal "Longshore and 17300
Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 17301
seq., are the exclusive remedy against the employer for that 17302
injury, occupational disease, or death. 17303

(J) Compensation or benefits are not payable to a claimant 17304
during the period of confinement of the claimant in any state or 17305
federal correctional institution, or in any county jail in lieu of 17306
incarceration in a state or federal correctional institution, 17307
whether in this or any other state for conviction of violation of 17308
any state or federal criminal law. 17309

Sec. 4131.03. (A) For the relief of persons who are entitled 17310

to receive benefits by virtue of the federal act, there is hereby 17311
established a coal-workers pneumoconiosis fund, which shall be 17312
separate from the funds established and administered pursuant to 17313
Chapter 4123. of the Revised Code. The fund shall consist of 17314
premiums and other payments thereto by subscribers who elect to 17315
subscribe to the fund to insure the payment of benefits required 17316
by the federal act. 17317

(B)(1) The coal-workers pneumoconiosis fund shall be in the 17318
custody of the treasurer of state. The bureau of workers' 17319
compensation shall make disbursements from the fund to those 17320
persons entitled to payment therefrom and in the amounts required 17321
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 17322
investment earnings of the fund shall be credited to the fund. 17323

(2) The administrator of workers' compensation may transfer a 17324
portion of the investment earnings credited to the coal-workers 17325
pneumoconiosis fund to the mine safety fund created in section 17326
1561.24 of the Revised Code for the purposes specified in that 17327
section. The administrator, with the advice and consent of the 17328
bureau of workers' compensation board of directors, shall adopt 17329
rules governing the transfer in order to ensure the solvency of 17330
the coal-workers pneumoconiosis fund. For that purpose, the rules 17331
may establish tests based on measures of net assets, liabilities, 17332
expenses, interest, dividend income, or other factors that the 17333
administrator determines appropriate that may be applied prior to 17334
a transfer. 17335

(C) The administrator ~~of workers' compensation~~ shall have the 17336
same powers to invest any of the surplus or reserve belonging to 17337
the coal-workers pneumoconiosis fund as are delegated to ~~him~~ the 17338
administrator under section 4123.44 of the Revised Code with 17339
respect to the state insurance fund. 17340

(D) If the administrator determines that reinsurance of the 17341
risks of the coal-workers pneumoconiosis fund is necessary to 17342

assure solvency of the fund, he <u>the administrator</u> may:	17343
(1) Enter into contracts for the purchase of reinsurance	17344
coverage of the risks of the fund with any company or agency	17345
authorized by law to issue contracts of reinsurance;	17346
(2) Pay the cost of reinsurance from the fund;	17347
(3) Include the costs of reinsurance as a liability and	17348
estimated liability of the fund.	17349
Sec. 4141.31. (A) Benefits otherwise payable for any week	17350
shall be reduced by the amount of remuneration or other payments a	17351
claimant receives with respect to such week as follows:	17352
(1) Remuneration in lieu of notice;	17353
(2) Compensation for wage loss under division (B) of section	17354
4123.56 of the Revised Code or a similar provision under the	17355
workers' compensation law of any state or the United States;	17356
(3) Payments in the form of retirement, or pension allowances	17357
as provided under section 4141.312 of the Revised Code;	17358
(4) Remuneration <u>Except as otherwise provided in division (D)</u>	17359
<u>of this section, remuneration</u> in the form of separation or	17360
termination pay paid to an employee at the time of the employee's	17361
separation from employment;	17362
(5) Vacation pay or allowance payable under the terms of a	17363
labor-management contract or agreement, or other contract of hire,	17364
which payments are allocated to designated weeks.	17365
If payments under this division are paid with respect to a	17366
month then the amount of remuneration deemed to be received with	17367
respect to any week during such month shall be computed by	17368
multiplying such monthly amount by twelve and dividing the product	17369
by fifty-two. If there is no designation of the period with	17370
respect to which payments to an individual are made under this	17371

section then an amount equal to such individual's normal weekly 17372
wage shall be attributed to and deemed paid with respect to the 17373
first and each succeeding week following the individual's 17374
separation or termination from the employment of the employer 17375
making the payment until such amount so paid is exhausted. 17376

If benefits for any week, when reduced as provided in this 17377
division, result in an amount not a multiple of one dollar, such 17378
benefits shall be rounded to the next lower multiple of one 17379
dollar. 17380

Any payment allocated by the employer or the director of job 17381
and family services to weeks under division (A)(1), (4), or (5) of 17382
this section shall be deemed to be remuneration for the purposes 17383
of establishing a qualifying week and a benefit year under 17384
divisions (O)(1) and (R) of section 4141.01 of the Revised Code. 17385

(B) Benefits payable for any week shall not be reduced by the 17386
amount of remuneration a claimant receives with respect to such 17387
week in the form of drill or reserve pay received by a member of 17388
the Ohio national guard or the armed forces reserve for attendance 17389
at a regularly scheduled drill or meeting. 17390

(C) No benefits shall be paid for any week with respect to 17391
which or a part of which an individual has received or is seeking 17392
unemployment benefits under an unemployment compensation law of 17393
any other state or of the United States, provided the 17394
disqualifications shall not apply if the appropriate agency of 17395
such other state or of the United States finally determines that 17396
an individual is not entitled to such unemployment benefits. A law 17397
of the United States providing any payment of any type and in any 17398
amounts for periods of unemployment due to lack of work shall be 17399
considered an unemployment compensation law of the United States. 17400

(D) ~~Notwithstanding any other provision in this chapter,~~ 17401
17402

~~benefits otherwise~~ Benefits payable for any week shall not be 17403
reduced by ~~payments that were made~~ the amount of military 17404
severance, disability, or separation pay paid to an individual ~~on~~ 17405
~~or after August 1, 1991, pursuant to "The National Defense~~ 17406
~~Authorization Act for Fiscal Years 1992 and 1993," Public Law~~ 17407
~~102-190, 105 Stat. 1394, 1396, 10 U.S.C.A. 1174a, 1175, in the~~ 17408
~~form of voluntary separation incentive payments and special~~ 17409
~~separation pay who is a former member of the armed forces of the~~ 17410
United States. 17411

Sec. 4141.312. (A) Except as otherwise specified in division 17412
(B) of this section, the amount of benefits payable to a claimant 17413
for any week with respect to which the claimant is receiving a 17414
governmental or other pension, retirement or retired pay, annuity 17415
or any other similar periodic payment which is based on the 17416
previous work of the individual, shall be reduced by an amount 17417
equal to the amount of the pension, retirement or retired pay, 17418
annuity or other payment which is reasonably attributable to that 17419
week, except that the requirements for this division shall apply 17420
to any pension, retirement or retired pay, annuity, or other 17421
similar periodic payment only if both of the following apply: 17422

(1) The payment is under a plan maintained or contributed to 17423
by a base period employer or chargeable employer. 17424

(2) In the case of a payment under a plan not made under the 17425
"Social Security Act," 42 U.S.C. 401 et seq., or the "Railroad 17426
Retirement Act of 1974," 45 U.S.C. 231 et seq., or the 17427
corresponding provisions of prior law, services performed for such 17428
employer by the individual after the beginning of the base period, 17429
or remuneration for such services, affect eligibility for, or 17430
increase the amount of, such pension, retirement or retired pay, 17431
annuity, or similar payment. 17432

~~(B) The amount of any disability pension, allowance, or~~ 17433

~~payment paid to former members of the armed forces of the United States which is based on the nature and extent of the disability rather than a prior period of employment or service, shall not reduce or be deducted from the weekly benefits payable.~~

(C) If a claimant has made a contribution to social security pursuant to the "Social Security Act," 42 U.S.C. 401 et seq., and that claimant is receiving a retirement payment pursuant to that act, the claimant's weekly benefit shall not be reduced by the amount of that retirement payment because the claimant contributed to social security.

Sec. 4301.355. (A) If a petition is filed under section 4301.333 of the Revised Code for the submission of the question or questions set forth in this section, it shall be held in the precinct as ordered by the board of elections under that section. The expense of holding the election shall be charged to the municipal corporation or township of which the precinct is a part.

(B) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(1) "Shall the sale of (insert beer, wine and mixed beverages, or spirituous liquor) be permitted by (insert name of applicant, liquor permit holder, or liquor agency store, including trade or fictitious name under which applicant for, or holder of, liquor permit or liquor agency store either intends to do, or does, business at the particular location), an (insert "applicant for" or "holder of" or "operator of") a (insert class name of liquor permit or permits followed by the words "liquor permit(s)" or, if appropriate, the words "liquor agency store for the State of Ohio"), who is engaged in the business of (insert general nature of the business in which applicant or liquor permit holder is engaged or

will be engaged in at the particular location, as described in the 17465
petition) at (insert address of the particular location 17466
within the precinct as set forth in the petition) in this 17467
precinct?" 17468

(2) "Shall the sale of (insert beer, wine and 17469
mixed beverages, or spirituous liquor) be permitted for sale on 17470
Sunday between the hours of (insert "ten a.m. and 17471
midnight" or "one p.m. and midnight") by (insert name 17472
of applicant, liquor permit holder, or liquor agency store, 17473
including trade or fictitious name under which applicant for, or 17474
holder of, liquor permit or liquor agency store either intends to 17475
do, or does, business at the particular location), an 17476
(insert "applicant for a D-6 liquor permit," "holder of a D-6 17477
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 17478
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 17479
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit," if only the 17480
approval of beer sales is sought, or "liquor agency store") who is 17481
engaged in the business of (insert general nature of 17482
the business in which applicant or liquor permit holder is engaged 17483
or will be engaged in at the particular location, as described in 17484
the petition) at (insert address of the particular 17485
location within the precinct) in this precinct?" 17486
17487

(C) The board of elections shall furnish printed ballots at 17488
the election as provided under section 3505.06 of the Revised 17489
Code, except that a separate ballot shall be used for the election 17490
under this section. The question set forth in this section shall 17491
be printed on each ballot, and the board shall insert in the 17492
question appropriate words to complete it. Votes shall be cast as 17493
provided under section 3505.06 of the Revised Code. 17494

Sec. 4301.421. (A) For the purposes of section 307.696 of the 17495

Revised Code, to pay the expenses of administering the tax, and to 17496
pay any or all of the charge the board of elections makes against 17497
the county to hold the election on the question of levying the 17498
tax, or for those purposes and to provide revenues to the county 17499
for permanent improvements, the board of county commissioners may 17500
levy a tax on the sale of beer at a rate not to exceed sixteen 17501
cents per gallon, on the sale of cider at a rate not to exceed 17502
twenty-four cents per gallon, and on the sale of wine and mixed 17503
beverages at a rate not to exceed thirty-two cents per gallon. The 17504
tax shall be imposed on all beer, cider, wine, and mixed beverages 17505
sold for resale at retail in the county, and on all beer, cider, 17506
wine, and mixed beverages sold at retail in the county by the 17507
manufacturer, bottler, importer, or other person upon which the 17508
tax has not been paid. The tax shall not be levied on the sale of 17509
wine to be used for known sacramental purposes. The tax may be 17510
levied for any number of years not exceeding twenty. The tax shall 17511
be in addition to the taxes imposed by sections 4301.42, 4301.43, 17512
4301.432, and 4305.01 of the Revised Code. The tax shall not be 17513
considered a cost in any computation required under rules of the 17514
liquor control commission regulating minimum prices or mark-ups. 17515
17516

Only one sale of the same article shall be used in computing, 17517
reporting, and paying the amount of tax due. 17518

The tax shall be levied pursuant to a resolution of the 17519
county commissioners approved by a majority of the electors in the 17520
county voting on the question of levying the tax, which resolution 17521
shall specify the rate of the tax, the number of years the tax 17522
will be levied, and the purposes for which the tax is levied. The 17523
election may be held on the date of a general election or special 17524
election held not sooner than seventy-five days after the date the 17525
board certifies its resolution to the board of elections. If 17526
approved by the electors, the tax shall take effect on the first 17527

day of the month specified in the resolution but not sooner than 17528
the first day of the month that is at least sixty days after the 17529
certification of the election results by the board of elections. A 17530
copy of the resolution levying the tax and the certification of 17531
the board of elections shall be certified to the tax commissioner 17532
at least sixty days prior to the date on which the tax is to 17533
become effective. 17534

A resolution under this section may be joined on the ballot 17535
as a single question with a resolution adopted under section 17536
307.697 or 5743.024 of the Revised Code to levy a tax for the same 17537
purposes and for the purpose of paying the expenses of 17538
administering the tax. The form of the ballot in an election held 17539
pursuant to this section shall be as prescribed in section 307.697 17540
of the Revised Code. 17541

(B) The board of county commissioners of a county in which a 17542
tax is imposed under this section on ~~the effective date of this~~ 17543
~~amendment~~ July 19, 1995, may levy a tax for the purpose of section 17544
307.673 of the Revised Code regardless of whether or not the 17545
cooperative agreement authorized under that section has been 17546
entered into prior to the day the resolution adopted under 17547
division (B)(1) or (2) of this section is adopted, and for the 17548
purpose of reimbursing a county for costs incurred in the 17549
construction of a sports facility pursuant to an agreement entered 17550
into by the county under section 307.696 of the Revised Code. The 17551
tax shall be levied and approved in one of the manners prescribed 17552
by division (B)(1) or (2) of this section. 17553

(1) The tax may be levied pursuant to a resolution adopted by 17554
a majority of the members of the board of county commissioners not 17555
later than ~~forty five days after the effective date of this~~ 17556
~~amendment~~ September 2, 1995. A board of county commissioners 17557
approving a tax under division (B)(1) of this section may approve 17558
a tax under division (D)(1) of section 307.697 or division (C)(1) 17559

of section 5743.024 of the Revised Code at the same time. Subject 17560
to the resolution being submitted to a referendum under sections 17561
305.31 to 305.41 of the Revised Code, the resolution shall take 17562
effect immediately, but the tax levied pursuant to the resolution 17563
shall not be levied prior to the day following the last day the 17564
tax levied pursuant to division (A) of this section may be levied. 17565

(2) The tax may be levied pursuant to a resolution adopted by 17566
a majority of the members of the board of county commissioners not 17567
later than ~~forty five days after the effective date of this~~ 17568
~~amendment~~ September 2, 1995, and approved by a majority of the 17569
electors of the county voting on the question of levying the tax 17570
at the next succeeding general election following ~~the effective~~ 17571
~~date of this amendment~~ July 19, 1995. The board of county 17572
commissioners shall certify a copy of the resolution to the board 17573
of elections immediately upon adopting a resolution under division 17574
(D)(2) of this section, and the board of elections shall place the 17575
question of levying the tax on the ballot at that election. The 17576
form of the ballot shall be as prescribed by division (C) of 17577
section 307.697 of the Revised Code, except that the phrase 17578
"paying not more than one-half of the costs of providing a sports 17579
facility together with related redevelopment and economic 17580
development projects" shall be replaced by the phrase "paying the 17581
costs of constructing or renovating a sports facility and 17582
reimbursing a county for costs incurred by the county in the 17583
construction of a sports facility," and the phrase ", beginning 17584
..... (here insert the earliest date the tax would take 17585
effect)" shall be appended after "years." A board of county 17586
commissioners submitting the question of a tax under division 17587
(B)(2) of this section may submit the question of a tax under 17588
division (D)(2) of section 307.697 or division (C)(2) of section 17589
5743.024 of the Revised Code as a single question, and the form of 17590
the ballot shall include each of the proposed taxes. 17591

If approved by a majority of electors voting on the question, 17592
the tax shall take effect on the day specified on the ballot, 17593
which shall not be earlier than the day following the last day the 17594
tax levied pursuant to division (A) of this section may be levied. 17595

The rate of a tax levied pursuant to division (B)(1) or (2) 17596
of this section shall not exceed the rate specified in division 17597
(A) of this section. A tax levied pursuant to division (B)(1) or 17598
(2) of this section may be levied for any number of years not 17599
exceeding twenty. 17600

A board of county commissioners adopting a resolution under 17601
division (B)(1) or (2) of this section shall certify a copy of the 17602
resolution to the tax commissioner immediately upon adoption of 17603
the resolution. 17604

(C) No tax shall be levied under this section on or after the 17605
effective date of the amendment of this section by of the 17606
127th general assembly. This division does not prevent the 17607
collection of any tax levied under this section before that date 17608
so long as that tax remains effective. 17609

Sec. 4301.424. (A) For the purpose of section 351.26 of the 17610
Revised Code and to pay any or all of the charge the board of 17611
elections makes against the county to hold the election on the 17612
question of levying the tax, the board of county commissioners, in 17613
the manner prescribed by division (A) of section 351.26 of the 17614
Revised Code, may levy a tax on each gallon of spirituous liquor; 17615
on the sale of beer; and on the sale of wine and mixed beverages. 17616
The tax on spirituous liquor shall be imposed on spirituous liquor 17617
sold to or purchased by liquor permit holders for resale, and sold 17618
at retail by the division of liquor control, in the county at a 17619
rate not greater than three dollars per gallon; the tax on beer, 17620
wine, and mixed beverages shall be imposed on all beer, wine, and 17621
mixed beverages sold for resale at retail in the county, and on 17622

all beer, wine, and mixed beverages sold at retail in the county 17623
by the manufacturer, bottler, importer, or other person and upon 17624
which the tax has not been paid. The rate of the tax on beer shall 17625
not exceed sixteen cents per gallon, and the rate of the tax on 17626
wine and mixed beverages shall not exceed thirty-two cents per 17627
gallon. Only one sale of the same article shall be used in 17628
computing, reporting, and paying the amount of tax due. The tax 17629
may be levied for any number of years not exceeding twenty. 17630

The tax shall be levied pursuant to a resolution of the board 17631
of county commissioners adopted as prescribed by division (A) of 17632
section 351.26 of the Revised Code and approved by a majority of 17633
the electors in the county voting on the question of levying the 17634
tax. The resolution shall specify the rates of the tax, the number 17635
of years the tax will be levied, and the purposes for which the 17636
tax is levied. Such election may be held on the date of a general 17637
or special election held not sooner than seventy-five days after 17638
the date the board certifies its resolution to the board of 17639
elections. If approved by the electors, the tax takes effect on 17640
the first day of the month specified in the resolution but not 17641
sooner than the first day of the month that is at least sixty days 17642
after the certification of the election results by the board of 17643
elections. A copy of the resolution levying the tax shall be 17644
certified to the division of liquor control and the tax 17645
commissioner at least sixty days prior to the date on which the 17646
tax is to become effective. 17647

(B) A resolution under this section may be joined on the 17648
ballot as a single question with a resolution adopted under 17649
section 5743.026 of the Revised Code to levy a tax for the same 17650
purposes, and for the purpose of paying the expenses of 17651
administering that tax. 17652

(C) The form of the ballot in an election held on the 17653
question of levying a tax proposed pursuant to this section shall 17654

be as prescribed by section 351.26 of the Revised Code. 17655

(D) No tax shall be levied under this section on or after the 17656
effective date of the amendment of this section by the capital 17657
appropriations act of the 127th general assembly. This division 17658
does not prevent the collection of any tax levied under this 17659
section before that date so long as that tax remains effective. 17660

Sec. 4301.62. (A) As used in this section: 17661

(1) "Chauffeured limousine" means a vehicle registered under 17662
section 4503.24 of the Revised Code. 17663

(2) "Street," "highway," and "motor vehicle" have the same 17664
meanings as in section 4511.01 of the Revised Code. 17665

(B) No person shall have in the person's possession an opened 17666
container of beer or intoxicating liquor in any of the following 17667
circumstances: 17668

(1) In a state liquor store; 17669

(2) Except as provided in division (C) of this section, on 17670
the premises of the holder of any permit issued by the division of 17671
liquor control; 17672

(3) In any other public place; 17673

(4) Except as provided in division (D) or (E) of this 17674
section, while operating or being a passenger in or on a motor 17675
vehicle on any street, highway, or other public or private 17676
property open to the public for purposes of vehicular travel or 17677
parking; 17678

(5) Except as provided in division (D) or (E) of this 17679
section, while being in or on a stationary motor vehicle on any 17680
street, highway, or other public or private property open to the 17681
public for purposes of vehicular travel or parking. 17682

(C)(1) A person may have in the person's possession an opened 17683

container of any of the following: 17684

(a) Beer or intoxicating liquor that has been lawfully 17685
purchased for consumption on the premises where bought from the 17686
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 17687
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 17688
D-5k, D-7, D-8, E, F, F-2, or F-5 permit; 17689

(b) Beer, wine, or mixed beverages served for consumption on 17690
the premises by the holder of an F-3 permit or wine served for 17691
consumption on the premises by the holder of an F-4 or F-6 permit; 17692

(c) Beer or intoxicating liquor consumed on the premises of a 17693
convention facility as provided in section 4303.201 of the Revised 17694
Code; 17695

(d) Beer or intoxicating liquor to be consumed during 17696
tastings and samplings approved by rule of the liquor control 17697
commission. 17698

(2) A person may have in the person's possession on an F 17699
liquor permit premises an opened container of beer or intoxicating 17700
liquor that was not purchased from the holder of the F permit if 17701
the premises for which the F permit is issued is a music festival 17702
and the holder of the F permit grants permission for that 17703
possession on the premises during the period for which the F 17704
permit is issued. As used in this division, "music festival" means 17705
a series of outdoor live musical performances, extending for a 17706
period of at least three consecutive days and located on an area 17707
of land of at least forty acres. 17708

(3)(a) A person may have in the person's possession on a D-2 17709
liquor permit premises an opened or unopened container of wine 17710
that was not purchased from the holder of the D-2 permit if the 17711
premises for which the D-2 permit is issued is an outdoor 17712
performing arts center, the person is attending an orchestral 17713
performance, and the holder of the D-2 permit grants permission 17714

for the possession and consumption of wine in certain 17715
predesignated areas of the premises during the period for which 17716
the D-2 permit is issued. 17717

(b) As used in division (C)(3)(a) of this section: 17718

(i) "Orchestral performance" means a concert comprised of a 17719
group of not fewer than forty musicians playing various musical 17720
instruments. 17721

(ii) "Outdoor performing arts center" means an outdoor 17722
performing arts center that is located on not less than eight 17723
hundred acres of land and that is open for performances from the 17724
first day of April to the last day of October of each year. 17725

(D) This section does not apply to a person who pays all or a 17726
portion of the fee imposed for the use of a chauffeured limousine 17727
pursuant to a prearranged contract, or the guest of the person, 17728
when all of the following apply: 17729

(1) The person or guest is a passenger in the limousine. 17730

(2) The person or guest is located in the limousine, but is 17731
not occupying a seat in the front compartment of the limousine 17732
where the operator of the limousine is located. 17733

(3) The limousine is located on any street, highway, or other 17734
public or private property open to the public for purposes of 17735
vehicular travel or parking. 17736

(E) An opened bottle of wine that was purchased from the 17737
holder of a permit that authorizes the sale of wine for 17738
consumption on the premises where sold is not an opened container 17739
for the purposes of this section if both of the following apply: 17740

(1) The opened bottle of wine is securely resealed by the 17741
permit holder or an employee of the permit holder before the 17742
bottle is removed from the premises. The bottle shall be secured 17743
in such a manner that it is visibly apparent if the bottle has 17744

been subsequently opened or tampered with. 17745

(2) The opened bottle of wine that is resealed in accordance 17746
with division (E)(1) of this section is stored in the trunk of a 17747
motor vehicle or, if the motor vehicle does not have a trunk, 17748
behind the last upright seat or in an area not normally occupied 17749
by the driver or passengers and not easily accessible by the 17750
driver. 17751

Sec. 4303.041. An A-3a permit may be issued to a distiller 17752
that manufactures less than ten thousand gallons of spirituous 17753
liquor per year. An A-3a permit holder may sell to a personal 17754
consumer, in sealed containers for consumption off the premises 17755
where manufactured, spirituous liquor that the permit holder 17756
manufactures, but sales to the personal consumer may occur only by 17757
an in-person transaction at the permit premises. The A-3a permit 17758
holder shall not ship, send, or use an H permit holder to deliver 17759
spirituous liquor to the personal consumer. 17760

"Distiller" means a person in this state who mashes, 17761
ferments, distills, and ages spirituous liquor. 17762

Not more than one A-3a permit may be issued per county and 17763
only in a county with a population exceeding eight hundred 17764
thousand. 17765

An A-3a permit holder shall sell not more than one and 17766
one-half liters of spirituous liquor per day from the permit 17767
premises to the same personal consumer. 17768

An A-3a permit holder may sell spirituous liquor in sealed 17769
containers for consumption off the premises where manufactured as 17770
an independent contractor under agreement, by virtue of the 17771
permit, with the division of liquor control. The price at which 17772
the A-3a permit holder shall sell each spirituous liquor product 17773
to a personal consumer is to be determined by the division of 17774

liquor control. For an A-3a permit holder to purchase and then 17775
offer spirituous liquor for retail sale, the spirituous liquor 17776
need not first leave the physical possession of the A-3a permit 17777
holder to be so registered. The spirituous liquor that the A-3a 17778
permit holder buys from the division of liquor control shall be 17779
maintained in a separate area of the permit premises for sale to 17780
personal consumers. The A-3a permit holder shall sell such 17781
spirituous liquor in sealed containers for consumption off the 17782
premises where manufactured as an independent contractor by virtue 17783
of the permit issued by the division of liquor control, but the 17784
permit holder shall not be compensated as provided in division 17785
(A)(1) of section 4301.17 of the Revised Code. Each A-3a permit 17786
holder shall be subject to audit by the division of liquor 17787
control. 17788

The fee for the A-3a permit is three thousand nine hundred 17789
six dollars for each plant, but if the production capacity of a 17790
plant is less than five hundred wine barrels of fifty gallons each 17791
annually, the fee is two dollars per barrel. 17792

The holder of an A-3a permit may also exercise the same 17793
privileges as the holder of an A-3 permit. 17794

Sec. 4303.182. (A) Except as otherwise provided in divisions 17795
(B) to (J) of this section, permit D-6 shall be issued to the 17796
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 17797
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 17798
D-5k, or D-7 permit to allow sale under that permit between the 17799
hours of ten a.m. and midnight, or between the hours of one p.m. 17800
and midnight, on Sunday, as applicable, if that sale has been 17801
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 17802
of the Revised Code and under the restrictions of that 17803
authorization. 17804

(B) Permit D-6 shall be issued to the holder of any permit, 17805

including a D-4a and D-5d permit, authorizing the sale of 17806
intoxicating liquor issued for a premises located at any publicly 17807
owned airport, as defined in section 4563.01 of the Revised Code, 17808
at which commercial airline companies operate regularly scheduled 17809
flights on which space is available to the public, to allow sale 17810
under such permit between the hours of ten a.m. and midnight on 17811
Sunday, whether or not that sale has been authorized under section 17812
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 17813

(C) Permit D-6 shall be issued to the holder of a D-5a 17814
permit, and to the holder of a D-3 or D-3a permit who is the owner 17815
or operator of a hotel or motel that is required to be licensed 17816
under section 3731.03 of the Revised Code, that contains at least 17817
fifty rooms for registered transient guests, and that has on its 17818
premises a retail food establishment or a food service operation 17819
licensed pursuant to Chapter 3717. of the Revised Code that 17820
operates as a restaurant for purposes of this chapter and is 17821
affiliated with the hotel or motel and within or contiguous to the 17822
hotel or motel and serving food within the hotel or motel, to 17823
allow sale under such permit between the hours of ten a.m. and 17824
midnight on Sunday, whether or not that sale has been authorized 17825
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 17826
Revised Code. 17827

(D) The holder of a D-6 permit that is issued to a sports 17828
facility may make sales under the permit between the hours of 17829
eleven a.m. and midnight on any Sunday on which a professional 17830
baseball, basketball, football, hockey, or soccer game is being 17831
played at the sports facility. As used in this division, "sports 17832
facility" means a stadium or arena that has a seating capacity of 17833
at least four thousand and that is owned or leased by a 17834
professional baseball, basketball, football, hockey, or soccer 17835
franchise or any combination of those franchises. 17836

(E) Permit D-6 shall be issued to the holder of any permit 17837

that authorizes the sale of beer or intoxicating liquor and that 17838
is issued to a premises located in or at the Ohio historical 17839
society area or the state fairgrounds, as defined in division (B) 17840
of section 4301.40 of the Revised Code, to allow sale under that 17841
permit between the hours of ten a.m. and midnight on Sunday, 17842
whether or not that sale has been authorized under section 17843
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 17844

(F) Permit D-6 shall be issued to the holder of any permit 17845
that authorizes the sale of intoxicating liquor and that is issued 17846
to an outdoor performing arts center to allow sale under that 17847
permit between the hours of one p.m. and midnight on Sunday, 17848
whether or not that sale has been authorized under section 17849
4301.361 of the Revised Code. A D-6 permit issued under this 17850
division is subject to the results of an election, held after the 17851
D-6 permit is issued, on question (B)(4) as set forth in section 17852
4301.351 of the Revised Code. Following the end of the period 17853
during which an election may be held on question (B)(4) as set 17854
forth in that section, sales of intoxicating liquor may continue 17855
at an outdoor performing arts center under a D-6 permit issued 17856
under this division, unless an election on that question is held 17857
during the permitted period and a majority of the voters voting in 17858
the precinct on that question vote "no." 17859

As used in this division, "outdoor performing arts center" 17860
means an outdoor performing arts center that is located on not 17861
less than eight hundred acres of land and that is open for 17862
performances from the first day of April to the last day of 17863
October of each year. 17864

(G) Permit D-6 shall be issued to the holder of any permit 17865
that authorizes the sale of beer or intoxicating liquor and that 17866
is issued to a golf course owned by the state, a conservancy 17867
district, a park district created under Chapter 1545. of the 17868
Revised Code, or another political subdivision to allow sale under 17869

that permit between the hours of ten a.m. and midnight on Sunday, 17870
whether or not that sale has been authorized under section 17871
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 17872

(H) Permit D-6 shall be issued to the holder of a D-5g permit 17873
to allow sale under that permit between the hours of ten a.m. and 17874
midnight on Sunday, whether or not that sale has been authorized 17875
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 17876
Revised Code. 17877

(I) Permit D-6 shall be issued to the holder of any D permit 17878
for a premises that is licensed under Chapter 3717. of the Revised 17879
Code and that is located at a ski area to allow sale under the D-6 17880
permit between the hours of ten a.m. and midnight on Sunday, 17881
whether or not that sale has been authorized under section 17882
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 17883

As used in this division, "ski area" means a ski area as 17884
defined in section 4169.01 of the Revised Code, provided that the 17885
passenger tramway operator at that area is registered under 17886
section 4169.03 of the Revised Code. 17887

(J) Permit D-6 shall be issued to the holder of a D-5j permit 17888
for a permit premises that is located in a community entertainment 17889
district, as defined in section 4301.80 of the Revised Code, that 17890
was approved by the legislative authority of a municipal 17891
corporation under that section between October 1 and October 15, 17892
2005, to allow sale under the permit between the hours of ten a.m. 17893
and midnight on Sunday, whether or not that sale has been 17894
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 17895
of the Revised Code. 17896

(K) If the restriction to licensed premises where the sale of 17897
food and other goods and services exceeds fifty per cent of the 17898
total gross receipts of the permit holder at the premises is 17899
applicable, the division of liquor control may accept an affidavit 17900

from the permit holder to show the proportion of the permit 17901
holder's gross receipts derived from the sale of food and other 17902
goods and services. If the liquor control commission determines 17903
that affidavit to have been false, it shall revoke the permits of 17904
the permit holder at the premises concerned. 17905

(L) The fee for the D-6 permit is five hundred dollars when 17906
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 17907
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 17908
D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 permit is 17909
four hundred dollars when it is issued to the holder of a C-2 17910
permit. 17911

Sec. 4510.10. (A) As used in this section, "reinstatement 17912
fees" means the fees that are required under section 4507.1612, 17913
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 17914
provision of the Revised Code, or under a schedule established by 17915
the bureau of motor vehicles, in order to reinstate a driver's or 17916
commercial driver's license or permit or nonresident operating 17917
privilege of an offender under a suspension. 17918

(B) Reinstatement fees are those fees that compensate the 17919
bureau of motor vehicles for suspensions, cancellations, or 17920
disqualifications of a person's driving privileges and to 17921
compensate the bureau and other agencies in their administration 17922
of programs intended to reduce and eliminate threats to public 17923
safety through education, treatment, and other activities. The 17924
registrar of motor vehicles shall not reinstate a driver's or 17925
commercial driver's license or permit or nonresident operating 17926
privilege of a person until the person has paid all reinstatement 17927
fees and has complied with all conditions for each suspension, 17928
cancellation, or disqualification incurred by that person. 17929

(C) Am When a municipal court or county court determines in a 17930
pending case involving an offender that the offender cannot 17931

reasonably pay reinstatement fees due and owing by the offender 17932
relative to one or more suspensions that have been or will be 17933
imposed by the bureau of motor vehicles or by a court of this 17934
state, the court, by order, may undertake an installment payment 17935
plan or a payment extension plan for the payment of reinstatement 17936
fees due and owing to the bureau in that pending case. The court 17937
shall establish an installment payment plan or a payment extension 17938
plan under this division in accordance with the requirements of 17939
divisions (D)(1) and (2) of this section. 17940

(D) Independent of the provisions of division (C) of this 17941
section, an offender who cannot reasonably pay reinstatement fees 17942
due and owing by the offender relative to a suspension that has 17943
been imposed on the offender may file a petition in the municipal 17944
court, county court, or, if the person is under the age of 17945
eighteen, the juvenile division of the court of common pleas in 17946
whose jurisdiction the person resides or, if the person is not a 17947
resident of this state, in the Franklin county municipal court or 17948
juvenile division of the Franklin county court of common pleas for 17949
an order that does either of the following, in order of 17950
preference: 17951

(1) Establishes a reasonable payment plan of not less than 17952
fifty dollars per month, to be paid by the offender to the bureau 17953
of motor vehicles in all succeeding months until all reinstatement 17954
fees required of the offender are paid in full; 17955

(2) If the offender, but for the payment of the reinstatement 17956
fees, otherwise would be entitled to operate a vehicle in this 17957
state or to obtain reinstatement of the offender's operating 17958
privileges, permits the offender to operate a motor vehicle, as 17959
authorized by the court, until a future date upon which date all 17960
reinstatement fees must be paid in full. A payment extension 17961
granted under this division shall not exceed one hundred eighty 17962
days, and any operating privileges granted under this division 17963

shall be solely for the purpose of permitting the offender 17964
occupational or "family necessity" privileges in order to enable 17965
the offender to reasonably acquire the delinquent reinstatement 17966
fees due and owing. 17967

~~(D)~~(E) If a municipal court, county court, or juvenile 17968
division enters an order of the type described in division (C) or 17969
division (D)(1) or (2) of this section, the court, at any time 17970
after the issuance of the order, may determine that a change of 17971
circumstances has occurred and may amend the order as justice 17972
requires, provided that the amended order also shall be an order 17973
that is permitted under division (C) or division (D)(1) or (2) of 17974
this section. 17975

~~(E)~~(F) If a court enters an order of the type described in 17976
division (C), (D)(1), ~~(C)~~(D)(2), or ~~(D)~~(E) of this section, during 17977
the pendency of the order, the offender in relation to whom it 17978
applies is not subject to prosecution for failing to pay the 17979
reinstatement fees covered by the order. 17980

~~(F)~~(G) Reinstatement fees are debts that may be discharged in 17981
bankruptcy. 17982

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 17983
the Revised Code: 17984

(A) "Vehicle" means every device, including a motorized 17985
bicycle, in, upon, or by which any person or property may be 17986
transported or drawn upon a highway, except that "vehicle" does 17987
not include any motorized wheelchair, any electric personal 17988
assistive mobility device, any device that is moved by power 17989
collected from overhead electric trolley wires or that is used 17990
exclusively upon stationary rails or tracks, or any device, other 17991
than a bicycle, that is moved by human power. 17992

(B) "Motor vehicle" means every vehicle propelled or drawn by 17993

power other than muscular power or power collected from overhead 17994
electric trolley wires, except motorized bicycles, road rollers, 17995
traction engines, power shovels, power cranes, and other equipment 17996
used in construction work and not designed for or employed in 17997
general highway transportation, hole-digging machinery, 17998
well-drilling machinery, ditch-digging machinery, farm machinery, 17999
and trailers designed and used exclusively to transport a boat 18000
between a place of storage and a marina, or in and around a 18001
marina, when drawn or towed on a street or highway for a distance 18002
of no more than ten miles and at a speed of twenty-five miles per 18003
hour or less. 18004

(C) "Motorcycle" means every motor vehicle, other than a 18005
tractor, having a seat or saddle for the use of the operator and 18006
designed to travel on not more than three wheels in contact with 18007
the ground, including, but not limited to, motor vehicles known as 18008
"motor-driven cycle," "motor scooter," or "motorcycle" without 18009
regard to weight or brake horsepower. 18010

(D) "Emergency vehicle" means emergency vehicles of 18011
municipal, township, or county departments or public utility 18012
corporations when identified as such as required by law, the 18013
director of public safety, or local authorities, and motor 18014
vehicles when commandeered by a police officer. 18015

(E) "Public safety vehicle" means any of the following: 18016

(1) Ambulances, including private ambulance companies under 18017
contract to a municipal corporation, township, or county, and 18018
private ambulances and nontransport vehicles bearing license 18019
plates issued under section 4503.49 of the Revised Code; 18020

(2) Motor vehicles used by public law enforcement officers or 18021
other persons sworn to enforce the criminal and traffic laws of 18022
the state; 18023

(3) Any motor vehicle when properly identified as required by 18024

the director of public safety, when used in response to fire 18025
emergency calls or to provide emergency medical service to ill or 18026
injured persons, and when operated by a duly qualified person who 18027
is a member of a volunteer rescue service or a volunteer fire 18028
department, and who is on duty pursuant to the rules or directives 18029
of that service. The state fire marshal shall be designated by the 18030
director of public safety as the certifying agency for all public 18031
safety vehicles described in division (E)(3) of this section. 18032

(4) Vehicles used by fire departments, including motor 18033
vehicles when used by volunteer fire fighters responding to 18034
emergency calls in the fire department service when identified as 18035
required by the director of public safety. 18036

Any vehicle used to transport or provide emergency medical 18037
service to an ill or injured person, when certified as a public 18038
safety vehicle, shall be considered a public safety vehicle when 18039
transporting an ill or injured person to a hospital regardless of 18040
whether such vehicle has already passed a hospital. 18041

(5) Vehicles used by the motor carrier enforcement unit for 18042
the enforcement of orders and rules of the public utilities 18043
commission as specified in section 5503.34 of the Revised Code. 18044

(F) "School bus" means every bus designed for carrying more 18045
than nine passengers that is owned by a public, private, or 18046
governmental agency or institution of learning and operated for 18047
the transportation of children to or from a school session or a 18048
school function, or owned by a private person and operated for 18049
compensation for the transportation of children to or from a 18050
school session or a school function, provided "school bus" does 18051
not include a bus operated by a municipally owned transportation 18052
system, a mass transit company operating exclusively within the 18053
territorial limits of a municipal corporation, or within such 18054
limits and the territorial limits of municipal corporations 18055
immediately contiguous to such municipal corporation, nor a common 18056

passenger carrier certified by the public utilities commission 18057
unless such bus is devoted exclusively to the transportation of 18058
children to and from a school session or a school function, and 18059
"school bus" does not include a van or bus used by a licensed 18060
child day-care center or type A family day-care home to transport 18061
children from the child day-care center or type A family day-care 18062
home to a school if the van or bus does not have more than fifteen 18063
children in the van or bus at any time. 18064

(G) "Bicycle" means every device, other than a tricycle 18065
designed solely for use as a play vehicle by a child, propelled 18066
solely by human power upon which any person may ride having either 18067
two tandem wheels, or one wheel in the front and two wheels in the 18068
rear, any of which is more than fourteen inches in diameter. 18069

(H) "Motorized bicycle" means any vehicle having either two 18070
tandem wheels or one wheel in the front and two wheels in the 18071
rear, that is capable of being pedaled and is equipped with a 18072
helper motor of not more than fifty cubic centimeters piston 18073
displacement that produces no more than one brake horsepower and 18074
is capable of propelling the vehicle at a speed of no greater than 18075
twenty miles per hour on a level surface. 18076

(I) "Commercial tractor" means every motor vehicle having 18077
motive power designed or used for drawing other vehicles and not 18078
so constructed as to carry any load thereon, or designed or used 18079
for drawing other vehicles while carrying a portion of such other 18080
vehicles, or load thereon, or both. 18081

(J) "Agricultural tractor" means every self-propelling 18082
vehicle designed or used for drawing other vehicles or wheeled 18083
machinery but having no provision for carrying loads independently 18084
of such other vehicles, and used principally for agricultural 18085
purposes. 18086

(K) "Truck" means every motor vehicle, except trailers and 18087

semitrailers, designed and used to carry property. 18088

(L) "Bus" means every motor vehicle designed for carrying 18089
more than nine passengers and used for the transportation of 18090
persons other than in a ridesharing arrangement, and every motor 18091
vehicle, automobile for hire, or funeral car, other than a taxicab 18092
or motor vehicle used in a ridesharing arrangement, designed and 18093
used for the transportation of persons for compensation. 18094

(M) "Trailer" means every vehicle designed or used for 18095
carrying persons or property wholly on its own structure and for 18096
being drawn by a motor vehicle, including any such vehicle when 18097
formed by or operated as a combination of a "semitrailer" and a 18098
vehicle of the dolly type, such as that commonly known as a 18099
"trailer dolly," a vehicle used to transport agricultural produce 18100
or agricultural production materials between a local place of 18101
storage or supply and the farm when drawn or towed on a street or 18102
highway at a speed greater than twenty-five miles per hour, and a 18103
vehicle designed and used exclusively to transport a boat between 18104
a place of storage and a marina, or in and around a marina, when 18105
drawn or towed on a street or highway for a distance of more than 18106
ten miles or at a speed of more than twenty-five miles per hour. 18107

(N) "Semitrailer" means every vehicle designed or used for 18108
carrying persons or property with another and separate motor 18109
vehicle so that in operation a part of its own weight or that of 18110
its load, or both, rests upon and is carried by another vehicle. 18111

(O) "Pole trailer" means every trailer or semitrailer 18112
attached to the towing vehicle by means of a reach, pole, or by 18113
being boomed or otherwise secured to the towing vehicle, and 18114
ordinarily used for transporting long or irregular shaped loads 18115
such as poles, pipes, or structural members capable, generally, of 18116
sustaining themselves as beams between the supporting connections. 18117

(P) "Railroad" means a carrier of persons or property 18118

operating upon rails placed principally on a private right-of-way.	18119
(Q) "Railroad train" means a steam engine or an electric or	18120
other motor, with or without cars coupled thereto, operated by a	18121
railroad.	18122
(R) "Streetcar" means a car, other than a railroad train, for	18123
transporting persons or property, operated upon rails principally	18124
within a street or highway.	18125
(S) "Trackless trolley" means every car that collects its	18126
power from overhead electric trolley wires and that is not	18127
operated upon rails or tracks.	18128
(T) "Explosives" means any chemical compound or mechanical	18129
mixture that is intended for the purpose of producing an explosion	18130
that contains any oxidizing and combustible units or other	18131
ingredients in such proportions, quantities, or packing that an	18132
ignition by fire, by friction, by concussion, by percussion, or by	18133
a detonator of any part of the compound or mixture may cause such	18134
a sudden generation of highly heated gases that the resultant	18135
gaseous pressures are capable of producing destructive effects on	18136
contiguous objects, or of destroying life or limb. Manufactured	18137
articles shall not be held to be explosives when the individual	18138
units contain explosives in such limited quantities, of such	18139
nature, or in such packing, that it is impossible to procure a	18140
simultaneous or a destructive explosion of such units, to the	18141
injury of life, limb, or property by fire, by friction, by	18142
concussion, by percussion, or by a detonator, such as fixed	18143
ammunition for small arms, firecrackers, or safety fuse matches.	18144
(U) "Flammable liquid" means any liquid that has a flash	18145
point of seventy degrees fahrenheit, or less, as determined by a	18146
tagliabue or equivalent closed cup test device.	18147
(V) "Gross weight" means the weight of a vehicle plus the	18148
weight of any load thereon.	18149

(W) "Person" means every natural person, firm,	18150
co-partnership, association, or corporation.	18151
(X) "Pedestrian" means any natural person afoot.	18152
(Y) "Driver or operator" means every person who drives or is	18153
in actual physical control of a vehicle, trackless trolley, or	18154
streetcar.	18155
(Z) "Police officer" means every officer authorized to direct	18156
or regulate traffic, or to make arrests for violations of traffic	18157
regulations.	18158
(AA) "Local authorities" means every county, municipal, and	18159
other local board or body having authority to adopt police	18160
regulations under the constitution and laws of this state.	18161
(BB) "Street" or "highway" means the entire width between the	18162
boundary lines of every way open to the use of the public as a	18163
thoroughfare for purposes of vehicular travel.	18164
(CC) "Controlled-access highway" means every street or	18165
highway in respect to which owners or occupants of abutting lands	18166
and other persons have no legal right of access to or from the	18167
same except at such points only and in such manner as may be	18168
determined by the public authority having jurisdiction over such	18169
street or highway.	18170
(DD) "Private road or driveway" means every way or place in	18171
private ownership used for vehicular travel by the owner and those	18172
having express or implied permission from the owner but not by	18173
other persons.	18174
(EE) "Roadway" means that portion of a highway improved,	18175
designed, or ordinarily used for vehicular travel, except the berm	18176
or shoulder. If a highway includes two or more separate roadways	18177
the term "roadway" means any such roadway separately but not all	18178
such roadways collectively.	18179

(FF) "Sidewalk" means that portion of a street between the 18180
curb lines, or the lateral lines of a roadway, and the adjacent 18181
property lines, intended for the use of pedestrians. 18182

(GG) "Laned highway" means a highway the roadway of which is 18183
divided into two or more clearly marked lanes for vehicular 18184
traffic. 18185

(HH) "Through highway" means every street or highway as 18186
provided in section 4511.65 of the Revised Code. 18187

(II) "State highway" means a highway under the jurisdiction 18188
of the department of transportation, outside the limits of 18189
municipal corporations, provided that the authority conferred upon 18190
the director of transportation in section 5511.01 of the Revised 18191
Code to erect state highway route markers and signs directing 18192
traffic shall not be modified by sections 4511.01 to 4511.79 and 18193
4511.99 of the Revised Code. 18194

(JJ) "State route" means every highway that is designated 18195
with an official state route number and so marked. 18196

(KK) "Intersection" means: 18197

(1) The area embraced within the prolongation or connection 18198
of the lateral curb lines, or, if none, then the lateral boundary 18199
lines of the roadways of two highways which join one another at, 18200
or approximately at, right angles, or the area within which 18201
vehicles traveling upon different highways joining at any other 18202
angle may come in conflict. 18203

(2) Where a highway includes two roadways thirty feet or more 18204
apart, then every crossing of each roadway of such divided highway 18205
by an intersecting highway shall be regarded as a separate 18206
intersection. If an intersecting highway also includes two 18207
roadways thirty feet or more apart, then every crossing of two 18208
roadways of such highways shall be regarded as a separate 18209
intersection. 18210

(3) The junction of an alley with a street or highway, or
with another alley, shall not constitute an intersection. 18211
18212

(LL) "Crosswalk" means: 18213

(1) That part of a roadway at intersections ordinarily 18214
included within the real or projected prolongation of property 18215
lines and curb lines or, in the absence of curbs, the edges of the 18216
traversable roadway; 18217

(2) Any portion of a roadway at an intersection or elsewhere, 18218
distinctly indicated for pedestrian crossing by lines or other 18219
markings on the surface; 18220

(3) Notwithstanding divisions (LL)(1) and (2) of this 18221
section, there shall not be a crosswalk where local authorities 18222
have placed signs indicating no crossing. 18223

(MM) "Safety zone" means the area or space officially set 18224
apart within a roadway for the exclusive use of pedestrians and 18225
protected or marked or indicated by adequate signs as to be 18226
plainly visible at all times. 18227

(NN) "Business district" means the territory fronting upon a 18228
street or highway, including the street or highway, between 18229
successive intersections within municipal corporations where fifty 18230
per cent or more of the frontage between such successive 18231
intersections is occupied by buildings in use for business, or 18232
within or outside municipal corporations where fifty per cent or 18233
more of the frontage for a distance of three hundred feet or more 18234
is occupied by buildings in use for business, and the character of 18235
such territory is indicated by official traffic control devices. 18236

(OO) "Residence district" means the territory, not comprising 18237
a business district, fronting on a street or highway, including 18238
the street or highway, where, for a distance of three hundred feet 18239
or more, the frontage is improved with residences or residences 18240
and buildings in use for business. 18241

(PP) "Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices.

(QQ) "Traffic control devices" means all flaggers, signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, including signs denoting names of streets and highways.

(RR) "Traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction, or not to change direction.

(SS) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using any highway for purposes of travel.

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.

(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial

or circumferential street or highway designated by local 18303
authorities within their respective jurisdictions as part of a 18304
major arterial system of streets or highways. 18305

(DDD) "Ridesharing arrangement" means the transportation of 18306
persons in a motor vehicle where such transportation is incidental 18307
to another purpose of a volunteer driver and includes ridesharing 18308
arrangements known as carpools, vanpools, and buspools. 18309

(EEE) "Motorized wheelchair" means any self-propelled vehicle 18310
designed for, and used by, a handicapped person and that is 18311
incapable of a speed in excess of eight miles per hour. 18312

(FFF) "Child day-care center" and "type A family day-care 18313
home" have the same meanings as in section 5104.01 of the Revised 18314
Code. 18315

(GGG) "Multi-wheel agricultural tractor" means a type of 18316
agricultural tractor that has two or more wheels or tires on each 18317
side of one axle at the rear of the tractor, is designed or used 18318
for drawing other vehicles or wheeled machinery, has no provision 18319
for carrying loads independently of the drawn vehicles or 18320
machinery, and is used principally for agricultural purposes. 18321

(HHH) "Operate" means to cause or have caused movement of a 18322
vehicle, streetcar, or trackless trolley. 18323

(III) "Predicate motor vehicle or traffic offense" means any 18324
of the following: 18325

(1) A violation of section 4511.03, 4511.051, 4511.12, 18326
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 18327
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 18328
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 18329
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 18330
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 18331
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 18332
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 18333

4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 18334
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 18335
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 18336

(2) A violation of division (A)(2) of section 4511.17, 18337
divisions (A) to (D) of section 4511.51, or division (A) of 18338
section 4511.74 of the Revised Code; 18339

(3) A violation of any provision of sections 4511.01 to 18340
4511.76 of the Revised Code for which no penalty otherwise is 18341
provided in the section that contains the provision violated; 18342

(4) A violation of a municipal ordinance that is 18343
substantially similar to any section or provision set forth or 18344
described in division (III)(1), (2), or (3) of this section. 18345

Sec. 4511.101. (A) There is hereby created in the state 18346
treasury the motorist service sign fund, which shall consist of 18347
proceeds from the business logo sign program established under 18348
this section. The director of transportation shall use money 18349
credited to the fund for transportation purposes, including 18350
transportation infrastructure. 18351

(B) The director of transportation, in accordance with 23 18352
U.S.C.A. 109(d), 131(f), and 315, as amended, shall establish a 18353
program for the placement of business logos for identification 18354
purposes on state directional signs within the rights-of-way of 18355
divided, multi-lane, limited access highways in both rural and 18356
urban areas. 18357

~~(B)~~(C) The director shall establish, and may revise at any 18358
time, a fee for participation in the business logo sign program. 18359
All direct and indirect costs of the business logo sign program 18360
established pursuant to this section shall be fully paid by the 18361
businesses applying for participation in the program. ~~At any~~ 18362
~~interchange where a business logo sign is erected, such costs~~ 18363

~~shall be divided equally among the participating businesses.~~ The 18364
direct and indirect costs of the program shall include, but not be 18365
limited to, the cost of capital, directional signs, blanks, posts, 18366
logos, installation, repair, engineering, design, insurance, 18367
removal, replacement, and administration. Money collected from 18368
participating businesses in excess of the direct and indirect 18369
costs and any reasonable profit earned by a person awarded a 18370
contract under division (D) of this section shall be retained by, 18371
or remitted to, the department and deposited to the credit of the 18372
motorist service sign fund. Nothing in this chapter shall be 18373
construed to prohibit the director from establishing such a 18374
program. 18375

~~(C)~~(D) The director, in accordance with rules adopted 18376
pursuant to Chapter 119. of the Revised Code, may contract with 18377
any private person to operate, maintain, ~~and~~ or market the 18378
business logo sign program. ~~The rules shall describe the terms of~~ 18379
~~the contract, and shall~~ may allow for a reasonable profit to be 18380
earned by the successful applicant. In awarding the contract, the 18381
director shall consider the skill, expertise, prior experience, 18382
and other qualifications of each applicant. 18383

~~(D)~~(E) As used in this section, "urban area" means an area 18384
having a population of fifty thousand or more according to the 18385
most recent federal census and designated as such on urban maps 18386
prepared by the department. 18387

~~(E) Neither~~ (F) In implementing this section, neither the 18388
department nor the director shall do either of the following: 18389

(1) Limit the right of any person to erect, maintain, repair, 18390
remove, or utilize any off-premises or on-premises advertising 18391
device; 18392

(2) Make participation in the business logo sign program 18393
conditional upon a business agreeing to limit, discontinue, 18394

withdraw, modify, alter, or change any advertising or sign. 18395

~~(F)~~(G) The program shall permit the business logo signs of a 18396
seller of motor vehicle fuel to include on the seller's signs a 18397
marking or symbol indicating that the seller sells one or more 18398
types of alternative fuel so long as the seller in fact sells that 18399
fuel. 18400

As used in this division, "alternative fuel" has the same 18401
meaning as in section 125.831 of the Revised Code. 18402

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 18403
the Revised Code: 18404

(A) "Equivalent offense" means any of the following: 18405

(1) A violation of division (A) or (B) of section 4511.19 of 18406
the Revised Code; 18407

(2) A violation of a municipal OVI ordinance; 18408

(3) A violation of section 2903.04 of the Revised Code in a 18409
case in which the offender was subject to the sanctions described 18410
in division (D) of that section; 18411

(4) A violation of division (A)(1) of section 2903.06 or 18412
2903.08 of the Revised Code or a municipal ordinance that is 18413
substantially equivalent to either of those divisions; 18414

(5) A violation of division (A)(2), (3), or (4) of section 18415
2903.06, division (A)(2) of section 2903.08, or former section 18416
2903.07 of the Revised Code, or a municipal ordinance that is 18417
substantially equivalent to any of those divisions or that former 18418
section, in a case in which a judge or jury as the trier of fact 18419
found that the offender was under the influence of alcohol, a drug 18420
of abuse, or a combination of them; 18421

(6) A violation of an existing or former municipal ordinance, 18422
law of another state, or law of the United States that is 18423

substantially equivalent to division (A) or (B) of section 4511.19 18424
of the Revised Code; 18425

(7) A violation of a former law of this state that was 18426
substantially equivalent to division (A) or (B) of section 4511.19 18427
of the Revised Code. 18428

(B) "Mandatory jail term" means the mandatory term in jail of 18429
three, six, ten, twenty, thirty, or sixty days that must be 18430
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 18431
of the Revised Code upon an offender convicted of a violation of 18432
division (A) of that section and in relation to which all of the 18433
following apply: 18434

(1) Except as specifically authorized under section 4511.19 18435
of the Revised Code, the term must be served in a jail. 18436

(2) Except as specifically authorized under section 4511.19 18437
of the Revised Code, the term cannot be suspended, reduced, or 18438
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 18439
other provision of the Revised Code. 18440

(C) "Municipal OVI ordinance" and "municipal OVI offense" 18441
mean any municipal ordinance prohibiting a person from operating a 18442
vehicle while under the influence of alcohol, a drug of abuse, or 18443
a combination of them or prohibiting a person from operating a 18444
vehicle with a prohibited concentration of alcohol, a controlled 18445
substance, or a metabolite of a controlled substance in the whole 18446
blood, blood serum or plasma, breath, or urine. 18447

(D) "Community residential sanction," "continuous alcohol 18448
monitoring," "jail," "mandatory prison term," "mandatory term of 18449
local incarceration," "sanction," and "prison term" have the same 18450
meanings as in section 2929.01 of the Revised Code. 18451

(E) "Drug of abuse" has the same meaning as in section 18452
4506.01 of the Revised Code. 18453

Sec. 4511.191. (A)(1) As used in this section: 18454

(a) "Physical control" has the same meaning as in section 18455
4511.194 of the Revised Code. 18456

(b) "Alcohol monitoring device" means any device that 18457
provides for continuous alcohol monitoring, any ignition interlock 18458
device, any immobilizing or disabling device other than an 18459
ignition interlock device that is constantly available to monitor 18460
the concentration of alcohol in a person's system, or any other 18461
device that provides for the automatic testing and periodic 18462
reporting of alcohol consumption by a person and that a court 18463
orders a person to use as a sanction imposed as a result of the 18464
person's conviction of or plea of guilty to an offense. 18465

(2) Any person who operates a vehicle, streetcar, or 18466
trackless trolley upon a highway or any public or private property 18467
used by the public for vehicular travel or parking within this 18468
state or who is in physical control of a vehicle, streetcar, or 18469
trackless trolley shall be deemed to have given consent to a 18470
chemical test or tests of the person's whole blood, blood serum or 18471
plasma, breath, or urine to determine the alcohol, drug of abuse, 18472
controlled substance, metabolite of a controlled substance, or 18473
combination content of the person's whole blood, blood serum or 18474
plasma, breath, or urine if arrested for a violation of division 18475
(A) or (B) of section 4511.19 of the Revised Code, section 18476
4511.194 of the Revised Code or a substantially equivalent 18477
municipal ordinance, or a municipal OVI ordinance. 18478

(3) The chemical test or tests under division (A)(2) of this 18479
section shall be administered at the request of a law enforcement 18480
officer having reasonable grounds to believe the person was 18481
operating or in physical control of a vehicle, streetcar, or 18482
trackless trolley in violation of a division, section, or 18483
ordinance identified in division (A)(2) of this section. The law 18484

enforcement agency by which the officer is employed shall 18485
designate which of the tests shall be administered. 18486

(4) Any person who is dead or unconscious, or who otherwise 18487
is in a condition rendering the person incapable of refusal, shall 18488
be deemed to have consented as provided in division (A)(2) of this 18489
section, and the test or tests may be administered, subject to 18490
sections 313.12 to 313.16 of the Revised Code. 18491

(B)(1) Upon receipt of the sworn report of a law enforcement 18492
officer who arrested a person for a violation of division (A) or 18493
(B) of section 4511.19 of the Revised Code, section 4511.194 of 18494
the Revised Code or a substantially equivalent municipal 18495
ordinance, or a municipal OVI ordinance that was completed and 18496
sent to the registrar and a court pursuant to section 4511.192 of 18497
the Revised Code in regard to a person who refused to take the 18498
designated chemical test, the registrar shall enter into the 18499
registrar's records the fact that the person's driver's or 18500
commercial driver's license or permit or nonresident operating 18501
privilege was suspended by the arresting officer under this 18502
division and that section and the period of the suspension, as 18503
determined under this section. The suspension shall be subject to 18504
appeal as provided in section 4511.197 of the Revised Code. The 18505
suspension shall be for whichever of the following periods 18506
applies: 18507

(a) Except when division (B)(1)(b), (c), or (d) of this 18508
section applies and specifies a different class or length of 18509
suspension, the suspension shall be a class C suspension for the 18510
period of time specified in division (B)(3) of section 4510.02 of 18511
the Revised Code. 18512

(b) If the arrested person, within six years of the date on 18513
which the person refused the request to consent to the chemical 18514
test, had refused one previous request to consent to a chemical 18515
test, the suspension shall be a class B suspension imposed for the 18516

period of time specified in division (B)(2) of section 4510.02 of the Revised Code. 18517
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(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code. 18519
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(d) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, the suspension shall be for five years. 18525
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(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial. 18529
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The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section. 18540
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(C)(1) Upon receipt of the sworn report of the law 18547

enforcement officer who arrested a person for a violation of 18548
division (A) or (B) of section 4511.19 of the Revised Code or a 18549
municipal OVI ordinance that was completed and sent to the 18550
registrar and a court pursuant to section 4511.192 of the Revised 18551
Code in regard to a person whose test results indicate that the 18552
person's whole blood, blood serum or plasma, breath, or urine 18553
contained at least the concentration of alcohol specified in 18554
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 18555
Revised Code or at least the concentration of a listed controlled 18556
substance or a listed metabolite of a controlled substance 18557
specified in division (A)(1)(j) of section 4511.19 of the Revised 18558
Code, the registrar shall enter into the registrar's records the 18559
fact that the person's driver's or commercial driver's license or 18560
permit or nonresident operating privilege was suspended by the 18561
arresting officer under this division and section 4511.192 of the 18562
Revised Code and the period of the suspension, as determined under 18563
divisions (F)(1) to (4) of this section. The suspension shall be 18564
subject to appeal as provided in section 4511.197 of the Revised 18565
Code. The suspension described in this division does not apply to, 18566
and shall not be imposed upon, a person arrested for a violation 18567
of section 4511.194 of the Revised Code or a substantially 18568
equivalent municipal ordinance who submits to a designated 18569
chemical test. The suspension shall be for whichever of the 18570
following periods applies: 18571

(a) Except when division (C)(1)(b), (c), or (d) of this 18572
section applies and specifies a different period, the suspension 18573
shall be a class E suspension imposed for the period of time 18574
specified in division (B)(5) of section 4510.02 of the Revised 18575
Code. 18576

(b) The suspension shall be a class C suspension for the 18577
period of time specified in division (B)(3) of section 4510.02 of 18578
the Revised Code if the person has been convicted of or pleaded 18579

guilty to, within six years of the date the test was conducted, 18580
one violation of division (A) or (B) of section 4511.19 of the 18581
Revised Code or one other equivalent offense. 18582

(c) If, within six years of the date the test was conducted, 18583
the person has been convicted of or pleaded guilty to two 18584
violations of a statute or ordinance described in division 18585
(C)(1)(b) of this section, the suspension shall be a class B 18586
suspension imposed for the period of time specified in division 18587
(B)(2) of section 4510.02 of the Revised Code. 18588

(d) If, within six years of the date the test was conducted, 18589
the person has been convicted of or pleaded guilty to more than 18590
two violations of a statute or ordinance described in division 18591
(C)(1)(b) of this section, the suspension shall be a class A 18592
suspension imposed for the period of time specified in division 18593
(B)(1) of section 4510.02 of the Revised Code. 18594

(2) The registrar shall terminate a suspension of the 18595
driver's or commercial driver's license or permit of a resident or 18596
of the operating privilege of a nonresident, or a denial of a 18597
driver's or commercial driver's license or permit, imposed 18598
pursuant to division (C)(1) of this section upon receipt of notice 18599
that the person has entered a plea of guilty to, or that the 18600
person has been convicted after entering a plea of no contest to, 18601
operating a vehicle in violation of section 4511.19 of the Revised 18602
Code or in violation of a municipal OVI ordinance, if the offense 18603
for which the conviction is had or the plea is entered arose from 18604
the same incident that led to the suspension or denial. 18605

The registrar shall credit against any judicial suspension of 18606
a person's driver's or commercial driver's license or permit or 18607
nonresident operating privilege imposed pursuant to section 18608
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 18609
Revised Code for a violation of a municipal OVI ordinance, any 18610
time during which the person serves a related suspension imposed 18611

pursuant to division (C)(1) of this section. 18612

(D)(1) A suspension of a person's driver's or commercial 18613
driver's license or permit or nonresident operating privilege 18614
under this section for the time described in division (B) or (C) 18615
of this section is effective immediately from the time at which 18616
the arresting officer serves the notice of suspension upon the 18617
arrested person. Any subsequent finding that the person is not 18618
guilty of the charge that resulted in the person being requested 18619
to take the chemical test or tests under division (A) of this 18620
section does not affect the suspension. 18621

(2) If a person is arrested for operating a vehicle, 18622
streetcar, or trackless trolley in violation of division (A) or 18623
(B) of section 4511.19 of the Revised Code or a municipal OVI 18624
ordinance, or for being in physical control of a vehicle, 18625
streetcar, or trackless trolley in violation of section 4511.194 18626
of the Revised Code or a substantially equivalent municipal 18627
ordinance, regardless of whether the person's driver's or 18628
commercial driver's license or permit or nonresident operating 18629
privilege is or is not suspended under division (B) or (C) of this 18630
section or Chapter 4510. of the Revised Code, the person's initial 18631
appearance on the charge resulting from the arrest shall be held 18632
within five days of the person's arrest or the issuance of the 18633
citation to the person, subject to any continuance granted by the 18634
court pursuant to section 4511.197 of the Revised Code regarding 18635
the issues specified in that division. 18636

(E) When it finally has been determined under the procedures 18637
of this section and sections 4511.192 to 4511.197 of the Revised 18638
Code that a nonresident's privilege to operate a vehicle within 18639
this state has been suspended, the registrar shall give 18640
information in writing of the action taken to the motor vehicle 18641
administrator of the state of the person's residence and of any 18642
state in which the person has a license. 18643

(F) At the end of a suspension period under this section, 18644
under section 4511.194, section 4511.196, or division (G) of 18645
section 4511.19 of the Revised Code, or under section 4510.07 of 18646
the Revised Code for a violation of a municipal OVI ordinance and 18647
upon the request of the person whose driver's or commercial 18648
driver's license or permit was suspended and who is not otherwise 18649
subject to suspension, cancellation, or disqualification, the 18650
registrar shall return the driver's or commercial driver's license 18651
or permit to the person upon the occurrence of all of the 18652
conditions specified in divisions (F)(1) and (2) of this section: 18653

(1) A showing that the person has proof of financial 18654
responsibility, a policy of liability insurance in effect that 18655
meets the minimum standards set forth in section 4509.51 of the 18656
Revised Code, or proof, to the satisfaction of the registrar, that 18657
the person is able to respond in damages in an amount at least 18658
equal to the minimum amounts specified in section 4509.51 of the 18659
Revised Code. 18660

(2) Subject to the limitation contained in division (F)(3) of 18661
this section, payment by the person to the bureau of motor 18662
vehicles of a license reinstatement fee of four hundred 18663
twenty-five dollars, which fee shall be deposited in the state 18664
treasury and credited as follows: 18665

(a) One hundred twelve dollars and fifty cents shall be 18666
credited to the statewide treatment and prevention fund created by 18667
section 4301.30 of the Revised Code. The fund shall be used to pay 18668
the costs of driver treatment and intervention programs operated 18669
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 18670
director of alcohol and drug addiction services shall determine 18671
the share of the fund that is to be allocated to alcohol and drug 18672
addiction programs authorized by section 3793.02 of the Revised 18673
Code, and the share of the fund that is to be allocated to 18674
drivers' intervention programs authorized by section 3793.10 of 18675

the Revised Code. 18676

(b) Seventy-five dollars shall be credited to the reparations 18677
fund created by section 2743.191 of the Revised Code. 18678

(c) Thirty-seven dollars and fifty cents shall be credited to 18679
the indigent drivers alcohol treatment fund, which is hereby 18680
established. Except as otherwise provided in division (F)(2)(c) of 18681
this section, moneys in the fund shall be distributed by the 18682
department of alcohol and drug addiction services to the county 18683
indigent drivers alcohol treatment funds, the county juvenile 18684
indigent drivers alcohol treatment funds, and the municipal 18685
indigent drivers alcohol treatment funds that are required to be 18686
established by counties and municipal corporations pursuant to 18687
this section, and shall be used only to pay the cost of an alcohol 18688
and drug addiction treatment program attended by an offender or 18689
juvenile traffic offender who is ordered to attend an alcohol and 18690
drug addiction treatment program by a county, juvenile, or 18691
municipal court judge and who is determined by the county, 18692
juvenile, or municipal court judge not to have the means to pay 18693
for the person's attendance at the program or to pay the costs 18694
specified in division (H)(4) of this section in accordance with 18695
that division. In addition, a county, juvenile, or municipal court 18696
judge may use moneys in the county indigent drivers alcohol 18697
treatment fund, county juvenile indigent drivers alcohol treatment 18698
fund, or municipal indigent drivers alcohol treatment fund to pay 18699
for the cost of the continued use of an ~~electronic continuous~~ 18700
alcohol monitoring device as described in divisions (H)(3) and (4) 18701
of this section. Moneys in the fund that are not distributed to a 18702
county indigent drivers alcohol treatment fund, a county juvenile 18703
indigent drivers alcohol treatment fund, or a municipal indigent 18704
drivers alcohol treatment fund under division (H) of this section 18705
because the director of alcohol and drug addiction services does 18706
not have the information necessary to identify the county or 18707

municipal corporation where the offender or juvenile offender was 18708
arrested may be transferred by the director of budget and 18709
management to the statewide treatment and prevention fund created 18710
by section 4301.30 of the Revised Code, upon certification of the 18711
amount by the director of alcohol and drug addiction services. 18712

(d) Seventy-five dollars shall be credited to the Ohio 18713
rehabilitation services commission established by section 3304.12 18714
of the Revised Code, to the services for rehabilitation fund, 18715
which is hereby established. The fund shall be used to match 18716
available federal matching funds where appropriate, and for any 18717
other purpose or program of the commission to rehabilitate people 18718
with disabilities to help them become employed and independent. 18719

(e) Seventy-five dollars shall be deposited into the state 18720
treasury and credited to the drug abuse resistance education 18721
programs fund, which is hereby established, to be used by the 18722
attorney general for the purposes specified in division (F)(4) of 18723
this section. 18724

(f) Thirty dollars shall be credited to the state bureau of 18725
motor vehicles fund created by section 4501.25 of the Revised 18726
Code. 18727

(g) Twenty dollars shall be credited to the trauma and 18728
emergency medical services grants fund created by section 4513.263 18729
of the Revised Code. 18730

(3) If a person's driver's or commercial driver's license or 18731
permit is suspended under this section, under section 4511.196 or 18732
division (G) of section 4511.19 of the Revised Code, under section 18733
4510.07 of the Revised Code for a violation of a municipal OVI 18734
ordinance or under any combination of the suspensions described in 18735
division (F)(3) of this section, and if the suspensions arise from 18736
a single incident or a single set of facts and circumstances, the 18737
person is liable for payment of, and shall be required to pay to 18738

the bureau, only one reinstatement fee of four hundred twenty-five 18739
dollars. The reinstatement fee shall be distributed by the bureau 18740
in accordance with division (F)(2) of this section. 18741

(4) The attorney general shall use amounts in the drug abuse 18742
resistance education programs fund to award grants to law 18743
enforcement agencies to establish and implement drug abuse 18744
resistance education programs in public schools. Grants awarded to 18745
a law enforcement agency under this section shall be used by the 18746
agency to pay for not more than fifty per cent of the amount of 18747
the salaries of law enforcement officers who conduct drug abuse 18748
resistance education programs in public schools. The attorney 18749
general shall not use more than six per cent of the amounts the 18750
attorney general's office receives under division (F)(2)(e) of 18751
this section to pay the costs it incurs in administering the grant 18752
program established by division (F)(2)(e) of this section and in 18753
providing training and materials relating to drug abuse resistance 18754
education programs. 18755

The attorney general shall report to the governor and the 18756
general assembly each fiscal year on the progress made in 18757
establishing and implementing drug abuse resistance education 18758
programs. These reports shall include an evaluation of the 18759
effectiveness of these programs. 18760

(G) Suspension of a commercial driver's license under 18761
division (B) or (C) of this section shall be concurrent with any 18762
period of disqualification under section 3123.611 or 4506.16 of 18763
the Revised Code or any period of suspension under section 3123.58 18764
of the Revised Code. No person who is disqualified for life from 18765
holding a commercial driver's license under section 4506.16 of the 18766
Revised Code shall be issued a driver's license under Chapter 18767
4507. of the Revised Code during the period for which the 18768
commercial driver's license was suspended under division (B) or 18769
(C) of this section. No person whose commercial driver's license 18770

is suspended under division (B) or (C) of this section shall be 18771
issued a driver's license under Chapter 4507. of the Revised Code 18772
during the period of the suspension. 18773

(H)(1) Each county shall establish an indigent drivers 18774
alcohol treatment fund, each county shall establish a juvenile 18775
indigent drivers alcohol treatment fund, and each municipal 18776
corporation in which there is a municipal court shall establish an 18777
indigent drivers alcohol treatment fund. All revenue that the 18778
general assembly appropriates to the indigent drivers alcohol 18779
treatment fund for transfer to a county indigent drivers alcohol 18780
treatment fund, a county juvenile indigent drivers alcohol 18781
treatment fund, or a municipal indigent drivers alcohol treatment 18782
fund, all portions of fees that are paid under division (F) of 18783
this section and that are credited under that division to the 18784
indigent drivers alcohol treatment fund in the state treasury for 18785
a county indigent drivers alcohol treatment fund, a county 18786
juvenile indigent drivers alcohol treatment fund, or a municipal 18787
indigent drivers alcohol treatment fund, all portions of 18788
additional costs imposed under section 2949.094 of the Revised 18789
Code that are specified for deposit into a county, county 18790
juvenile, or municipal indigent drivers alcohol treatment fund by 18791
that section, and all portions of fines that are specified for 18792
deposit into a county or municipal indigent drivers alcohol 18793
treatment fund by section 4511.193 of the Revised Code shall be 18794
deposited into that county indigent drivers alcohol treatment 18795
fund, county juvenile indigent drivers alcohol treatment fund, or 18796
municipal indigent drivers alcohol treatment fund in accordance 18797
with division (H)(2) of this section. Additionally, all portions 18798
of fines that are paid for a violation of section 4511.19 of the 18799
Revised Code or of any prohibition contained in Chapter 4510. of 18800
the Revised Code, and that are required under section 4511.19 or 18801
any provision of Chapter 4510. of the Revised Code to be deposited 18802
into a county indigent drivers alcohol treatment fund or municipal 18803

indigent drivers alcohol treatment fund shall be deposited into 18804
the appropriate fund in accordance with the applicable division. 18805

(2) That portion of the license reinstatement fee that is 18806
paid under division (F) of this section and that is credited under 18807
that division to the indigent drivers alcohol treatment fund and 18808
that portion of the additional court cost that is imposed under 18809
section 2949.094 of the Revised Code and that is specified by that 18810
section for deposit into the indigent drivers alcohol treatment 18811
fund shall be deposited into a county indigent drivers alcohol 18812
treatment fund, a county juvenile indigent drivers alcohol 18813
treatment fund, or a municipal indigent drivers alcohol treatment 18814
fund as follows: 18815

(a) ~~If the~~ Regarding a suspension ~~in question was~~ imposed 18816
under this section or additional court costs, that portion of the 18817
fee shall be deposited as follows: 18818

(i) If the fee or court cost is paid by a person who was 18819
charged in a county court with the violation that resulted in the 18820
suspension or in the imposition of the court costs, the portion 18821
shall be deposited into the county indigent drivers alcohol 18822
treatment fund under the control of that court; 18823

(ii) If the fee or court cost is paid by a person who was 18824
charged in a juvenile court with the violation that resulted in 18825
the suspension or in the imposition of the court costs, the 18826
portion shall be deposited into the county juvenile indigent 18827
drivers alcohol treatment fund established in the county served by 18828
the court; 18829

(iii) If the fee or court cost is paid by a person who was 18830
charged in a municipal court with the violation that resulted in 18831
the suspension or in the imposition of the court costs, the 18832
portion shall be deposited into the municipal indigent drivers 18833
alcohol treatment fund under the control of that court. 18834

(b) ~~If the~~ Regarding a suspension ~~in question was~~ imposed 18835
under section 4511.19 of the Revised Code or under section 4510.07 18836
of the Revised Code for a violation of a municipal OVI ordinance, 18837
that portion of the fee shall be deposited as follows: 18838

(i) If the fee is paid by a person whose license or permit 18839
was suspended by a county court, the portion shall be deposited 18840
into the county indigent drivers alcohol treatment fund under the 18841
control of that court; 18842

(ii) If the fee is paid by a person whose license or permit 18843
was suspended by a municipal court, the portion shall be deposited 18844
into the municipal indigent drivers alcohol treatment fund under 18845
the control of that court. 18846

(3) Expenditures from a county indigent drivers alcohol 18847
treatment fund, a county juvenile indigent drivers alcohol 18848
treatment fund, or a municipal indigent drivers alcohol treatment 18849
fund shall be made only upon the order of a county, juvenile, or 18850
municipal court judge and only for payment of the cost of the 18851
attendance at an alcohol and drug addiction treatment program of a 18852
person who is convicted of, or found to be a juvenile traffic 18853
offender by reason of, a violation of division (A) of section 18854
4511.19 of the Revised Code or a substantially similar municipal 18855
ordinance, who is ordered by the court to attend the alcohol and 18856
drug addiction treatment program, and who is determined by the 18857
court to be unable to pay the cost of attendance at the treatment 18858
program or for payment of the costs specified in division (H)(4) 18859
of this section in accordance with that division. The alcohol and 18860
drug addiction services board or the board of alcohol, drug 18861
addiction, and mental health services established pursuant to 18862
section 340.02 or 340.021 of the Revised Code and serving the 18863
alcohol, drug addiction, and mental health service district in 18864
which the court is located shall administer the indigent drivers 18865
alcohol treatment program of the court. When a court orders an 18866

offender or juvenile traffic offender to attend an alcohol and 18867
drug addiction treatment program, the board shall determine which 18868
program is suitable to meet the needs of the offender or juvenile 18869
traffic offender, and when a suitable program is located and space 18870
is available at the program, the offender or juvenile traffic 18871
offender shall attend the program designated by the board. A 18872
reasonable amount not to exceed five per cent of the amounts 18873
credited to and deposited into the county indigent drivers alcohol 18874
treatment fund, the county juvenile indigent drivers alcohol 18875
treatment fund, or the municipal indigent drivers alcohol 18876
treatment fund serving every court whose program is administered 18877
by that board shall be paid to the board to cover the costs it 18878
incurs in administering those indigent drivers alcohol treatment 18879
programs. 18880

In addition, a county, juvenile, or municipal court judge may 18881
use moneys in the county indigent drivers alcohol treatment fund, 18882
county juvenile indigent drivers alcohol treatment fund, or 18883
municipal indigent drivers alcohol treatment fund in the following 18884
manners: 18885

(a) If the source of the moneys was an appropriation of the 18886
general assembly, a portion of a fee that was paid under division 18887
(F) of this section, a portion of a fine that was specified for 18888
deposit into the fund by section 4511.193 of the Revised Code, or 18889
a portion of a fine that was paid for a violation of section 18890
4511.19 of the Revised Code or of a provision contained in Chapter 18891
4510. of the Revised Code that was required to be deposited into 18892
the fund, to pay for the continued use of an ~~electronic continuous~~ 18893
alcohol monitoring device by an offender or juvenile traffic 18894
offender, in conjunction with a treatment program approved by the 18895
department of alcohol and drug addiction services, when such use 18896
is determined clinically necessary by the treatment program and 18897
when the court determines that the offender or juvenile traffic 18898

offender is unable to pay all or part of the daily monitoring or 18899
cost of the device; 18900

(b) If the source of the moneys was a portion of an 18901
additional court cost imposed under section 2949.094 of the 18902
Revised Code, to pay for the continued use of an alcohol 18903
monitoring device by an offender or juvenile traffic offender when 18904
the court determines that the offender or juvenile traffic 18905
offender is unable to pay all or part of the daily monitoring or 18906
cost of the device. The moneys may be used for a device as 18907
described in this division if the use of the device is in 18908
conjunction with a treatment program approved by the department of 18909
alcohol and drug addiction services, when the use of the device is 18910
determined clinically necessary by the treatment program, but the 18911
use of a device is not required to be in conjunction with a 18912
treatment program approved by the department in order for the 18913
moneys to be used for the device as described in this division. 18914

(4) If a county, juvenile, or municipal court determines, in 18915
consultation with the alcohol and drug addiction services board or 18916
the board of alcohol, drug addiction, and mental health services 18917
established pursuant to section 340.02 or 340.021 of the Revised 18918
Code and serving the alcohol, drug addiction, and mental health 18919
district in which the court is located, that the funds in the 18920
county indigent drivers alcohol treatment fund, the county 18921
juvenile indigent drivers alcohol treatment fund, or the municipal 18922
indigent drivers alcohol treatment fund under the control of the 18923
court are more than sufficient to satisfy the purpose for which 18924
the fund was established, as specified in divisions (H)(1) to (3) 18925
of this section, the court may declare a surplus in the fund. If 18926
the court declares a surplus in the fund, the court may expend the 18927
amount of the surplus in the fund for: 18928

(a) Alcohol and drug abuse assessment and treatment of 18929
persons who are charged in the court with committing a criminal 18930

offense or with being a delinquent child or juvenile traffic	18931
offender and in relation to whom both of the following apply:	18932
(i) The court determines that substance abuse was a	18933
contributing factor leading to the criminal or delinquent activity	18934
or the juvenile traffic offense with which the person is charged.	18935
(ii) The court determines that the person is unable to pay	18936
the cost of the alcohol and drug abuse assessment and treatment	18937
for which the surplus money will be used.	18938
(b) All or part of the cost of purchasing electronic	18939
continuous alcohol monitoring devices to be used in conjunction	18940
with division (H)(3) of this section.	18941
Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the	18942
Revised Code:	18943
(A)(1) "Clinical laboratory services" means either of the	18944
following:	18945
(a) Any examination of materials derived from the human body	18946
for the purpose of providing information for the diagnosis,	18947
prevention, or treatment of any disease or impairment or for the	18948
assessment of health;	18949
(b) Procedures to determine, measure, or otherwise describe	18950
the presence or absence of various substances or organisms in the	18951
body.	18952
(2) "Clinical laboratory services" does not include the mere	18953
collection or preparation of specimens.	18954
(B) "Designated health services" means any of the following:	18955
(1) Clinical laboratory services;	18956
(2) Home health care services;	18957
(3) Outpatient prescription drugs.	18958

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;

(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.

(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, the ~~medical assistance~~ medicaid program established under Chapter 5111. of the Revised Code, ~~and~~ the disability medical assistance program established under Chapter 5115. of the Revised Code, and the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.

(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B)

of section 4731.226 of the Revised Code formed for the purpose of 18991
providing a combination of the professional services of 18992
optometrists who are licensed, certificated, or otherwise legally 18993
authorized to practice optometry under Chapter 4725. of the 18994
Revised Code, chiropractors who are licensed, certificated, or 18995
otherwise legally authorized to practice chiropractic or 18996
acupuncture under Chapter 4734. of the Revised Code, psychologists 18997
who are licensed, certificated, or otherwise legally authorized to 18998
practice psychology under Chapter 4732. of the Revised Code, 18999
registered or licensed practical nurses who are licensed, 19000
certificated, or otherwise legally authorized to practice nursing 19001
under Chapter 4723. of the Revised Code, pharmacists who are 19002
licensed, certificated, or otherwise legally authorized to 19003
practice pharmacy under Chapter 4729. of the Revised Code, 19004
physical therapists who are licensed, certificated, or otherwise 19005
legally authorized to practice physical therapy under sections 19006
4755.40 to 4755.56 of the Revised Code, occupational therapists 19007
who are licensed, certificated, or otherwise legally authorized to 19008
practice occupational therapy under sections 4755.04 to 4755.13 of 19009
the Revised Code, mechanotherapists who are licensed, 19010
certificated, or otherwise legally authorized to practice 19011
mechanotherapy under section 4731.151 of the Revised Code, and 19012
doctors of medicine and surgery, osteopathic medicine and surgery, 19013
or podiatric medicine and surgery who are licensed, certificated, 19014
or otherwise legally authorized for their respective practices 19015
under this chapter, to which all of the following apply: 19016

(a) Each physician who is a member of the group practice 19017
provides substantially the full range of services that the 19018
physician routinely provides, including medical care, 19019
consultation, diagnosis, or treatment, through the joint use of 19020
shared office space, facilities, equipment, and personnel. 19021

(b) Substantially all of the services of the members of the 19022

group are provided through the group and are billed in the name of 19023
the group and amounts so received are treated as receipts of the 19024
group. 19025

(c) The overhead expenses of and the income from the practice 19026
are distributed in accordance with methods previously determined 19027
by members of the group. 19028

(d) The group practice meets any other requirements that the 19029
state medical board applies in rules adopted under section 4731.70 19030
of the Revised Code. 19031

(2) In the case of a faculty practice plan associated with a 19032
hospital with a medical residency training program in which 19033
physician members may provide a variety of specialty services and 19034
provide professional services both within and outside the group, 19035
as well as perform other tasks such as research, the criteria in 19036
division (E)(1) of this section apply only with respect to 19037
services rendered within the faculty practice plan. 19038

(F) "Home health care services" and "immediate family" have 19039
the same meanings as in the rules adopted under section 4731.70 of 19040
the Revised Code. 19041

(G) "Hospital" has the same meaning as in section 3727.01 of 19042
the Revised Code. 19043

(H) A "referral" includes both of the following: 19044

(1) A request by a holder of a certificate under this chapter 19045
for an item or service, including a request for a consultation 19046
with another physician and any test or procedure ordered by or to 19047
be performed by or under the supervision of the other physician; 19048

(2) A request for or establishment of a plan of care by a 19049
certificate holder that includes the provision of designated 19050
health services. 19051

(I) "Third-party payer" has the same meaning as in section 19052

3901.38 of the Revised Code. 19053

Sec. 4731.71. The auditor of state may implement procedures 19054
to detect violations of section 4731.66 or 4731.69 of the Revised 19055
Code within governmental health care programs administered by the 19056
state. The auditor of state shall report any violation of either 19057
section to the state medical board and shall certify to the 19058
attorney general in accordance with section 131.02 of the Revised 19059
Code the amount of any refund owed to a state-administered 19060
governmental health care program under section 4731.69 of the 19061
Revised Code as a result of a violation. If a refund is owed to 19062
the ~~medical assistance~~ medicaid program established under Chapter 19063
5111. of the Revised Code ~~or~~, the disability medical assistance 19064
program established under Chapter 5115. of the Revised Code, or 19065
the children's buy-in program established under sections 5101.5211 19066
to 5101.5216 of the Revised Code, the auditor of state also shall 19067
report the amount to the department of ~~commerce~~ job and family 19068
services. 19069

The state medical board also may implement procedures to 19070
detect violations of section 4731.66 or 4731.69 of the Revised 19071
Code. 19072

Sec. 4735.01. As used in this chapter: 19073

(A) "Real estate broker" includes any person, partnership, 19074
association, limited liability company, limited liability 19075
partnership, or corporation, foreign or domestic, who for another, 19076
whether pursuant to a power of attorney or otherwise, and who for 19077
a fee, commission, or other valuable consideration, or with the 19078
intention, or in the expectation, or upon the promise of receiving 19079
or collecting a fee, commission, or other valuable consideration 19080
does any of the following: 19081

(1) Sells, exchanges, purchases, rents, or leases, or 19082

negotiates the sale, exchange, purchase, rental, or leasing of any real estate; 19083
19084

(2) Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate; 19085
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(3) Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate; 19087
19088
19089

(4) Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate; 19090
19091

(5) Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants; 19092
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19094
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(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate; 19096
19097
19098

(7) Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate; 19099
19100
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19102

(8) Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners; 19103
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(9) Collects rental information for purposes of referring 19112

prospective tenants to rental units or locations of such units and 19113
charges the prospective tenants a fee. 19114

(B) "Real estate" includes leaseholds as well as any and 19115
every interest or estate in land situated in this state, whether 19116
corporeal or incorporeal, whether freehold or nonfreehold, and the 19117
improvements on the land, but does not include cemetery interment 19118
rights. 19119

(C) "Real estate salesperson" means any person associated 19120
with a licensed real estate broker to do or to deal in any acts or 19121
transactions set out or comprehended by the definition of a real 19122
estate broker, for compensation or otherwise. 19123

(D) "Institution of higher education" means either of the 19124
following: 19125

(1) A nonprofit institution as defined in section 1713.01 of 19126
the Revised Code that actually awards, rather than intends to 19127
award, degrees for fulfilling requirements of academic work beyond 19128
high school; 19129

(2) An institution operated for profit that otherwise 19130
qualifies under the definition of an institution in section 19131
1713.01 of the Revised Code and that actually awards, rather than 19132
intends to award, degrees for fulfilling requirements of academic 19133
work beyond high school. 19134

(E) "Foreign real estate" means real estate not situated in 19135
this state and any interest in real estate not situated in this 19136
state. 19137

(F) "Foreign real estate dealer" includes any person, 19138
partnership, association, limited liability company, limited 19139
liability partnership, or corporation, foreign or domestic, who 19140
for another, whether pursuant to a power of attorney or otherwise, 19141
and who for a fee, commission, or other valuable consideration, or 19142
with the intention, or in the expectation, or upon the promise of 19143

receiving or collecting a fee, commission, or other valuable 19144
consideration, does or deals in any act or transaction specified 19145
or comprehended in division (A) of this section with respect to 19146
foreign real estate. 19147

(G) "Foreign real estate salesperson" means any person 19148
associated with a licensed foreign real estate dealer to do or 19149
deal in any act or transaction specified or comprehended in 19150
division (A) of this section with respect to foreign real estate, 19151
for compensation or otherwise. 19152

(H) Any person, partnership, association, limited liability 19153
company, limited liability partnership, or corporation, who, for 19154
another, in consideration of compensation, by fee, commission, 19155
salary, or otherwise, or with the intention, in the expectation, 19156
or upon the promise of receiving or collecting a fee, does, or 19157
offers, attempts, or agrees to engage in, any single act or 19158
transaction contained in the definition of a real estate broker, 19159
whether an act is an incidental part of a transaction, or the 19160
entire transaction, shall be constituted a real estate broker or 19161
real estate salesperson under this chapter. 19162

(I) The terms "real estate broker," "real estate 19163
salesperson," "foreign real estate dealer," and "foreign real 19164
estate salesperson" do not include a person, partnership, 19165
association, limited liability company, limited liability 19166
partnership, or corporation, or the regular employees thereof, who 19167
perform any of the acts or transactions specified or comprehended 19168
in division (A) of this section, whether or not for, or with the 19169
intention, in expectation, or upon the promise of receiving or 19170
collecting a fee, commission, or other valuable consideration: 19171

(1) With reference to real estate situated in this state or 19172
any interest in it owned by such person, partnership, association, 19173
limited liability company, limited liability partnership, or 19174
corporation, or acquired on its own account in the regular course 19175

of, or as an incident to the management of the property and the 19176
investment in it; 19177

(2) As receiver or trustee in bankruptcy, as guardian, 19178
executor, administrator, trustee, assignee, commissioner, or any 19179
person doing the things mentioned in this section, under authority 19180
or appointment of, or incident to a proceeding in, any court, or 19181
as a public officer, or as executor, trustee, or other bona fide 19182
fiduciary under any trust agreement, deed of trust, will, or other 19183
instrument creating a like bona fide fiduciary obligation; 19184

(3) As a public officer while performing the officer's 19185
official duties; 19186

(4) As an attorney at law in the performance of the 19187
attorney's duties; 19188

(5) As a person who engages in the brokering of the sale of 19189
business assets, not including the negotiation of the sale, lease, 19190
exchange, or assignment of any interest in real estate; 19191

(6) As a person who engages in the sale of manufactured homes 19192
as defined in division (C)(4) of section 3781.06 of the Revised 19193
Code, or of mobile homes as defined in division (O) of section 19194
4501.01 of the Revised Code, provided the sale does not include 19195
the negotiation, sale, lease, exchange, or assignment of any 19196
interest in real estate; 19197

(7) As a person who engages in the sale of commercial real 19198
estate pursuant to the requirements of section 4735.022 of the 19199
Revised Code. 19200

(J) "Physically handicapped licensee" means a person licensed 19201
pursuant to this chapter who is under a severe physical disability 19202
which is of such a nature as to prevent the person from being able 19203
to attend any instruction lasting at least three hours in 19204
duration. 19205

(K) "Division of real estate" may be used interchangeably 19206
with, and for all purposes has the same meaning as, "division of 19207
real estate and professional licensing." 19208

(L) "Superintendent" or "superintendent of real estate" means 19209
the superintendent of the division of real estate and professional 19210
licensing of this state. Whenever the division or superintendent 19211
of real estate is referred to or designated in any statute, rule, 19212
contract, or other document, the reference or designation shall be 19213
deemed to refer to the division or superintendent of real estate 19214
and professional licensing, as the case may be. 19215

(M) "Inactive license" means the license status in which a 19216
salesperson's license is in the possession of the division, 19217
renewed as required under this chapter or rules adopted under this 19218
chapter, and not associated with a real estate broker. 19219

(N) "Broker's license on deposit" means the license status in 19220
which a broker's license is in the possession of the division of 19221
real estate and professional licensing and renewed as required 19222
under this chapter or rules adopted under this chapter. 19223

(O) "Suspended license" means the license status that 19224
prohibits a licensee from providing services that require a 19225
license under this chapter for a specified interval of time. 19226

(P) "Reactivate" means the process prescribed by the 19227
superintendent of real estate and professional licensing to remove 19228
a license from an inactive, voluntary hold, suspended, or broker's 19229
license on deposit status to allow a licensee to provide services 19230
that require a license under this chapter. 19231

(Q) "Revoked" means the license status in which the license 19232
is void and not eligible for reactivation. 19233

(R) "Commercial real estate" means any parcel of real estate 19234
in this state other than real estate containing one to four 19235
residential units. "Commercial real estate" does not include 19236

single-family residential units such as condominiums, townhouses, 19237
manufactured homes, or homes in a subdivision when sold, leased, 19238
or otherwise conveyed on a unit-by-unit basis, even when those 19239
units are a part of a larger building or parcel of real estate 19240
containing more than four residential units. 19241

(S) "Out-of-state commercial broker" includes any person, 19242
partnership, association, limited liability company, limited 19243
liability partnership, or corporation that is licensed to do 19244
business as a real estate broker in a jurisdiction other than 19245
Ohio. 19246

(T) "Out-of-state commercial salesperson" includes any person 19247
affiliated with an out-of-state commercial broker who is not 19248
licensed as a real estate salesperson in Ohio. 19249

(U) "Exclusive right to sell or lease listing agreement" 19250
means an agency agreement between a seller and broker that meets 19251
the requirements of section 4735.55 of the Revised Code and does 19252
both of the following: 19253

(1) Grants the broker the exclusive right to represent the 19254
seller in the sale or lease of the seller's property; 19255

(2) Provides the broker will be compensated if the broker, 19256
the seller, or any other person or entity produces a purchaser or 19257
tenant in accordance with the terms specified in the listing 19258
agreement or if the property is sold or leased during the term of 19259
the listing agreement to anyone other than to specifically 19260
exempted persons or entities. 19261

(V) "Exclusive agency agreement" means an agency agreement 19262
between a seller and broker that meets the requirements of section 19263
4735.55 of the Revised Code and does both of the following: 19264

(1) Grants the broker the exclusive right to represent the 19265
seller in the sale or lease of the seller's property; 19266

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities. 19267
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(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following: 19274
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(1) Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property; 19278
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(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement. 19280
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The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser. 19285
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(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another person. 19290
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(Y) "Voluntary hold" means the license status in which a license is in the possession of the division of real estate and professional licensing for a period of not more than twelve months 19295
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pursuant to section 4735.142 of the Revised Code, is not renewed 19298
in accordance with the requirements specified in this chapter or 19299
the rules adopted pursuant to it, and is not associated with a 19300
real estate broker. 19301

(Z) "Resigned" means the license status in which a license 19302
has been voluntarily surrendered to or is otherwise in the 19303
possession of the division of real estate and professional 19304
licensing, is not renewed in accordance with the requirements 19305
specified in this chapter or the rules adopted pursuant to it, and 19306
is not associated with a real estate broker. 19307

Sec. 4735.02. Except as provided in section 4735.022 of the 19308
Revised Code, no person, partnership, association, limited 19309
liability company, limited liability partnership, or corporation 19310
shall act as a real estate broker or real estate salesperson, or 19311
advertise or assume to act as such, without first being licensed 19312
as provided in this chapter. No person, partnership, association, 19313
limited liability company, limited liability partnership, or 19314
corporation shall provide services that require a license under 19315
this chapter if the licensee's license is inactive, suspended, 19316
placed on voluntary hold, resigned, or a broker's license on 19317
deposit, or if the license has been revoked. Nothing contained in 19318
this chapter shall be construed as authorizing a real estate 19319
broker or salesperson to perform any service constituting the 19320
practice of law. 19321

No partnership, association, limited liability company, 19322
limited liability partnership, or corporation holding a real 19323
estate license shall employ as an officer, director, manager, or 19324
principal employee any person previously holding a license as a 19325
real estate broker, real estate salesperson, foreign real estate 19326
dealer, or foreign real estate salesperson, whose license has been 19327
placed in inactive, voluntary hold, or resigned status, or is 19328

suspended, or revoked and who has not thereafter reactivated the 19329
license or received a new license. 19330

Sec. 4735.10. (A)(1) The Ohio real estate commission may 19331
adopt reasonable rules in accordance with Chapter 119. of the 19332
Revised Code, necessary for implementing the provisions of this 19333
chapter relating, but not limited to, the following: 19334

(a) The form and manner of filing applications for license; 19335

(b) Times and form of examination for license; 19336

(c) Placing an existing broker's license on deposit or a 19337
salesperson's license on an inactive status for an indefinite 19338
period; 19339

(d) Specifying the process by which a licensee may place the 19340
licensee's license on voluntary hold or resigned status; 19341

(e) Defining any additional license status that the 19342
commission determines is necessary and that is not otherwise 19343
defined in this chapter and establishing the process by which a 19344
licensee places the licensee's license in a status defined by the 19345
commission in the rules the commission adopts. 19346

(2) The commission shall adopt reasonable rules in accordance 19347
with Chapter 119. of the Revised Code, for implementing the 19348
provisions of this chapter relating to the following: 19349

(a) The issuance, renewal, suspension, and revocation of 19350
licenses, other sanctions that may be imposed for violations of 19351
this chapter, the conduct of hearings related to these actions, 19352
and the process of reactivating a license; 19353

(b) By not later than January 1, 2004, a three-year license 19354
and a three-year license renewal system; 19355

(c) Standards for the approval of courses of study required 19356
for licenses, or offered in preparation for license examinations, 19357

or required as continuing education for licenses. 19358

(d) Guidelines to ensure that continuing education classes 19359
are open to all persons licensed under this chapter. The rules 19360
shall specify that an organization that sponsors a continuing 19361
education class may offer its members a reasonable reduction in 19362
the fees charged for the class. 19363

(e) Requirements for trust accounts and property management 19364
accounts. The rules shall specify that: 19365

(i) Brokerages engaged in the management of property for 19366
another may, pursuant to a written contract with the property 19367
owner, exercise signatory authority for withdrawals from property 19368
management accounts maintained in the name of the property owner. 19369
The exercise of authority for withdrawals does not constitute a 19370
violation of any provision of division (A) of section 4735.18 of 19371
the Revised Code. 19372

(ii) The interest earned on property management trust 19373
accounts maintained in the name of the property owner or the 19374
broker shall be payable to the property owner unless otherwise 19375
specified in a written contract. 19376

(f) Notice of renewal forms and filing deadlines; 19377

(g) Special assessments under division (A) of section 4735.12 19378
of the Revised Code. 19379

(B) The commission may adopt rules in accordance with Chapter 19380
119. of the Revised Code establishing standards and guidelines 19381
with which the superintendent of real estate shall comply in the 19382
exercise of the following powers: 19383

(1) Appointment and recommendation of ancillary trustees 19384
under section 4735.05 of the Revised Code; 19385

(2) Rejection of names proposed to be used by partnerships, 19386
associations, limited liability companies, limited liability 19387

partnerships, and corporations, under division (A) of section	19388
4735.06 of the Revised Code;	19389
(3) Acceptance and rejection of applications to take the	19390
broker and salesperson examinations and licensure, with	19391
appropriate waivers pursuant to division (E) of section 4735.07	19392
and section 4735.09 of the Revised Code;	19393
(4) Approval of applications of brokers to place their	19394
licenses on deposit and to become salespersons under section	19395
4735.13 of the Revised Code;	19396
(5) Appointment of hearing examiners under section 119.09 of	19397
the Revised Code;	19398
(6) Acceptance and rejection of applications to take the	19399
foreign real estate dealer and salesperson examinations and	19400
licensure, with waiver of examination, under sections 4735.27 and	19401
4735.28 of the Revised Code;	19402
(7) Qualification of foreign real estate under section	19403
4735.25 of the Revised Code.	19404
If at any time there is no rule in effect establishing a	19405
guideline or standard required by this division, the	19406
superintendent may adopt a rule in accordance with Chapter 119. of	19407
the Revised Code for such purpose.	19408
(C) The commission or superintendent may hear testimony in	19409
matters relating to the duties imposed upon them, and the	19410
president of the commission and superintendent may administer	19411
oaths. The commission or superintendent may require other proof of	19412
the honesty, truthfulness, and good reputation of any person named	19413
in an application for a real estate broker's or real estate	19414
salesperson's license before admitting the applicant to the	19415
examination or issuing a license.	19416
Sec. 4735.13. (A) The license of a real estate broker shall	19417

be prominently displayed in the office or place of business of the broker, and no license shall authorize the licensee to do business except from the location specified in it. If the broker maintains more than one place of business within the state, the broker shall apply for and procure a duplicate license for each branch office maintained by the broker. Each branch office shall be in the charge of a licensed broker or salesperson. The branch office license shall be prominently displayed at the branch office location.

(B) The license of each real estate salesperson shall be mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive, voluntary hold, or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker. Except as provided in divisions (G) and (H) of this section, immediately upon the salesperson's leaving the association or termination of the association of a real estate salesperson with the broker, the broker shall return the salesperson's license to the superintendent of real estate.

The failure of a broker to return the license of a real estate salesperson or broker who leaves or who is terminated, via certified mail return receipt requested, within three business days of the receipt of a written request from the superintendent for the return of the license, is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(C) Any licensee who is convicted of a felony or a crime involving moral turpitude or of violating any federal, state, or municipal civil rights law pertaining to discrimination in

housing, or any court that issues a finding of an unlawful 19450
discriminatory practice pertaining to housing accommodations 19451
described in division (H) of section 4112.02 of the Revised Code 19452
or that convicts a licensee of a violation of any municipal civil 19453
rights law pertaining to housing discrimination, shall notify the 19454
superintendent of the conviction or finding within fifteen days. 19455
If a licensee fails to notify the superintendent within the 19456
required time, the superintendent immediately may revoke the 19457
license of the licensee. 19458

Any court that convicts a licensee of a violation of any 19459
municipal civil rights law pertaining to housing discrimination 19460
also shall notify the Ohio civil rights commission within fifteen 19461
days of the conviction. 19462

(D) In case of any change of business location, a broker 19463
shall give notice in writing to the superintendent, whereupon the 19464
superintendent shall issue new licenses for the unexpired period 19465
without charge. If a broker changes a business location without 19466
giving the required notice and without receiving new licenses that 19467
action is prima-facie evidence of misconduct under division (A)(6) 19468
of section 4735.18 of the Revised Code. 19469

(E) If a real estate broker desires to associate with another 19470
real estate broker in the capacity of a real estate salesperson, 19471
the broker shall apply to the superintendent to deposit the 19472
broker's real estate broker's license with the superintendent and 19473
for the issuance of a real estate salesperson's license. The 19474
application shall be made on a form prescribed by the 19475
superintendent and shall be accompanied by the recommendation of 19476
the real estate broker with whom the applicant intends to become 19477
associated and a fee of twenty-five dollars for the real estate 19478
salesperson's license. Four dollars of the fee shall be credited 19479
to the real estate education and research fund. If the 19480
superintendent is satisfied that the applicant is honest, 19481

truthful, and of good reputation, has not been convicted of a 19482
felony or a crime involving moral turpitude, and has not been 19483
finally adjudged by a court to have violated any municipal, state, 19484
or federal civil rights laws relevant to the protection of 19485
purchasers or sellers of real estate, and that the association of 19486
the real estate broker and the applicant will be in the public 19487
interest, the superintendent shall grant the application and issue 19488
a real estate salesperson's license to the applicant. Any license 19489
so deposited with the superintendent shall be subject to this 19490
chapter. A broker who intends to deposit the broker's license with 19491
the superintendent, as provided in this section, shall give 19492
written notice of this fact in a format prescribed by the 19493
superintendent to all salespersons associated with the broker when 19494
applying to place the broker's license on deposit. 19495

(F) If a real estate broker desires to become a member or 19496
officer of a partnership, association, limited liability company, 19497
limited liability partnership, or corporation that is or intends 19498
to become a licensed real estate broker, the broker shall notify 19499
the superintendent of the broker's intentions. The notice of 19500
intention shall be on a form prescribed by the superintendent and 19501
shall be accompanied by a fee of twenty-five dollars. Four dollars 19502
of the fee shall be credited to the real estate education and 19503
research fund. 19504

No real estate broker who is a member or officer of a 19505
partnership, association, limited liability company, limited 19506
liability partnership, or corporation that is a licensed real 19507
estate broker shall perform any acts as a real estate broker other 19508
than as the agent of the partnership, association, limited 19509
liability company, limited liability partnership, or corporation, 19510
and such broker shall not have any real estate salespersons 19511
associated with the broker. 19512

(G) If a real estate broker or salesperson enters the armed 19513

forces, the broker or salesperson may place the broker's or 19514
salesperson's license on deposit with the Ohio real estate 19515
commission. The licensee shall not be required to renew the 19516
license until the renewal date that follows the date of discharge 19517
from the armed forces. Any license deposited with the commission 19518
shall be subject to this chapter. Any licensee whose license is on 19519
deposit under this division and who fails to meet the continuing 19520
education requirements of section 4735.141 of the Revised Code 19521
because the licensee is in the armed forces shall satisfy the 19522
commission that the licensee has complied with the continuing 19523
education requirements within twelve months of the licensee's 19524
discharge. The commission shall notify the licensee of the 19525
licensee's obligations under section 4735.141 of the Revised Code 19526
at the time the licensee applies for reactivation of the 19527
licensee's license. 19528

(H) If a licensed real estate salesperson submits an 19529
application to the superintendent to leave the association of one 19530
broker to associate with a different broker, the broker possessing 19531
the licensee's license need not return the salesperson's license 19532
to the superintendent. The superintendent may process the 19533
application regardless of whether the licensee's license is 19534
returned to the superintendent. 19535

Sec. 4735.14. (A) Each license issued under this chapter, 19536
shall be valid without further recommendation or examination until 19537
it is placed in an inactive, voluntary hold, or resigned status, 19538
is revoked, or suspended, or such license expires by operation of 19539
law. 19540

(B) ~~Each~~ Except for a licensee who has placed the licensee's 19541
license on voluntary hold or resigned status pursuant to section 19542
4735.142 of the Revised Code, each licensed broker, brokerage, or 19543
salesperson shall file, on or before the date the Ohio real estate 19544

commission has adopted by rule for that licensee in accordance 19545
with division (A)(2)(f) of section 4735.10 of the Revised Code, a 19546
notice of renewal on a form prescribed by the superintendent of 19547
real estate. The notice of renewal shall be mailed by the 19548
superintendent to the most current personal residence address of 19549
each broker or salesperson as filed with the superintendent by the 19550
licensee and the place of business address of the brokerage two 19551
months prior to the filing deadline. 19552

(C) The Except as otherwise provided in division (B) of this 19553
section, the license of any real estate broker, brokerage, or 19554
salesperson that fails to file a notice of renewal on or before 19555
the filing deadline of each ensuing year shall be suspended 19556
automatically without the taking of any action by the 19557
superintendent. A suspended license may be reactivated within 19558
twelve months of the date of suspension, provided that the renewal 19559
fee plus a penalty fee of fifty per cent of the renewal fee is 19560
paid to the superintendent. Failure to reactivate the license as 19561
provided in this division shall result in automatic revocation of 19562
the license without the taking of any action by the 19563
superintendent. No person, partnership, association, corporation, 19564
limited liability company, or limited partnership shall engage in 19565
any act or acts for which a real estate license is required while 19566
that entity's license is placed in an inactive, voluntary hold, or 19567
resigned status, or is suspended, or revoked. The commission shall 19568
adopt rules in accordance with Chapter 119. of the Revised Code to 19569
provide to licensees notice of suspension or revocation or both. 19570

(D) Each licensee shall notify the commission of a change in 19571
personal residence address. A licensee's failure to notify the 19572
commission of a change in personal residence address does not 19573
negate the requirement to file the license renewal by the required 19574
deadline established by the commission by rule under division 19575
(A)(2)(f) of section 4735.10 of the Revised Code. 19576

(E) The superintendent shall not renew a license if the licensee is not in compliance with this chapter.

Sec. 4735.141. (A) Except as otherwise provided in this division and except for a licensee who has placed the licensee's license on voluntary hold or resigned status pursuant to section 4735.142 of the Revised Code, each person licensed under section 4735.07 or 4735.09 of the Revised Code shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed thirty hours of continuing education, as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code, on or before the licensee's birthday occurring three years after the licensee's date of initial licensure, and on or before the licensee's birthday every three years thereafter.

Persons licensed as real estate salespersons who subsequently become licensed real estate brokers shall continue to submit proof of continuing education in accordance with the time period established in this section.

The requirements of this section shall not apply to any physically handicapped licensee as provided in division (E) of this section.

Each licensee who is seventy years of age or older, within a continuing education reporting period, shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed a total of nine classroom hours of continuing education, including instruction in Ohio real estate law; recently enacted state and federal laws affecting the real estate industry; municipal, state, and federal civil rights law; and canons of ethics for the real estate industry as adopted by the commission. The required proof of completion shall be submitted on or before the licensee's birthday that falls in the

third year of that continuing education reporting period. A 19608
licensee who is seventy years of age or older whose license is in 19609
an inactive status is exempt from the continuing education 19610
requirements specified in this section. The commission shall adopt 19611
reasonable rules in accordance with Chapter 119. of the Revised 19612
Code to carry out the purposes of this paragraph. 19613

(B) The continuing education requirements of this section 19614
shall be completed in schools, seminars, and educational 19615
institutions approved by the commission. Such approval shall be 19616
given according to rules established by the commission under the 19617
procedures of Chapter 119. of the Revised Code, and shall not be 19618
limited to institutions providing two-year or four-year degrees. 19619
Each school, seminar, or educational institution approved under 19620
this division shall be open to all licensees on an equal basis. 19621

(C) If the requirements of this section are not met by a 19622
licensee within the period specified, the licensee's license shall 19623
be suspended automatically without the taking of any action by the 19624
superintendent. The superintendent shall notify the licensee of 19625
the license suspension. Any license so suspended shall remain 19626
suspended until it is reactivated by the superintendent. No such 19627
license shall be reactivated until it is established, to the 19628
satisfaction of the superintendent, that the requirements of this 19629
section have been met. If the requirements of this section are not 19630
met within twelve months from the date the license was suspended, 19631
the license shall be revoked automatically without the taking of 19632
any action by the superintendent. 19633

(D) If the license of a real estate broker is suspended 19634
pursuant to division (C) of this section, the license of a real 19635
estate salesperson associated with that broker correspondingly is 19636
suspended pursuant to division (H) of section 4735.20 of the 19637
Revised Code. However, the suspended license of the associated 19638
real estate salesperson shall be reactivated and no fee shall be 19639

charged or collected for that reactivation if all of the following occur: 19640
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(1) That broker subsequently submits proof to the superintendent that the broker has complied with the requirements of this section and requests that the broker's license as a real estate broker be reactivated. 19642
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(2) The superintendent then reactivates the broker's license as a real estate broker. 19646
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(3) The associated real estate salesperson intends to continue to be associated with that broker, has complied with the requirements of this section, and otherwise is in compliance with this chapter. 19648
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Any person whose license is reactivated pursuant to this division shall submit proof satisfactory to the superintendent that the person has completed thirty hours of continuing education, as prescribed by the Ohio real estate commission, on or before the third year following the licensee's birthday occurring immediately after reactivation. 19652
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(E) Any licensee who is a physically handicapped licensee at any time during the last three months of the third year of the licensee's continuing education reporting period may receive an extension of time to submit proof to the superintendent that the licensee has satisfactorily completed the required thirty hours of continuing education. To receive an extension of time, the licensee shall submit a request to the division of real estate for the extension and proof satisfactory to the commission that the licensee was a physically handicapped licensee at some time during the last three months of the three-year reporting period. The proof shall include, but is not limited to, a signed statement by the licensee's attending physician describing the physical disability, certifying that the licensee's disability is of such a 19658
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nature as to prevent the licensee from attending any instruction 19671
lasting at least three hours in duration, and stating the expected 19672
duration of the physical disability. The licensee shall request 19673
the extension and provide the physician's statement to the 19674
division no later than one month prior to the end of the 19675
licensee's three-year continuing education reporting period, 19676
unless the physical disability did not arise until the last month 19677
of the three-year reporting period, in which event the licensee 19678
shall request the extension and provide the physician's statement 19679
as soon as practical after the occurrence of the physical 19680
disability. A licensee granted an extension pursuant to this 19681
division who is no longer a physically handicapped licensee and 19682
who submits proof of completion of the continuing education during 19683
the extension period, shall submit, for future continuing 19684
education reporting periods, proof of completion of the continuing 19685
education requirements according to the schedule established in 19686
division (A) of this section. 19687

Sec. 4735.142. (A) Any person licensed under section 4735.07 19688
or 4735.09 of the Revised Code, at any time prior to the date the 19689
licensee is required to file a notice of renewal pursuant to 19690
division (B) of section 4735.14 of the Revised Code may apply to 19691
the superintendent of real estate and professional licensing to 19692
place the licensee's license on voluntary hold or a resigned 19693
status. 19694

(B) If the superintendent has placed a license on voluntary 19695
hold pursuant to a request made under division (A) of this 19696
section, the licensee who requested that the licensee's license be 19697
placed on voluntary hold may apply to the superintendent to 19698
reactivate that license within twelve months after the date the 19699
license is placed on voluntary hold. The superintendent shall 19700
reactivate that license if the licensee complies with the 19701
requirements for such reactivation that are specified in rules 19702

adopted by the Ohio real estate commission pursuant to division 19703
(A) of section 4735.10 of the Revised Code and satisfies all of 19704
the following requirements: 19705

(1) The licensee complies with the postlicensure education 19706
requirements specified in section 4735.07 or 4735.09 of the 19707
Revised Code, as applicable; 19708

(2) The licensee complies with the continuing education 19709
requirements specified in section 4735.141 of the Revised Code; 19710

(3) The licensee renews the licensee's license in accordance 19711
with section 4735.14 of the Revised Code and, if applicable, pays 19712
the annual brokerage assessment fee in accordance with the 19713
requirements specified in rules adopted by the commission. 19714

(C) If a licensee does not apply to reactivate a license on 19715
voluntary hold pursuant to division (B) of this section during the 19716
twelve-month time period specified in that division or does not 19717
satisfy the requirements specified in that division during that 19718
twelve-month period, the superintendent shall consider that 19719
license to be in a resigned status. The superintendent shall not 19720
reactivate a resigned license. The resignation of a license is 19721
considered to be final without the taking of any action by the 19722
superintendent. If a person whose license is in a resigned status 19723
pursuant to this division wishes to obtain an active license, the 19724
person shall apply for an active license in accordance with the 19725
requirements specified in section 4735.07 or 4735.09 of the 19726
Revised Code, as applicable. 19727

(D) A licensee, at any time during which a license has been 19728
suspended pursuant to division (G) of section 4735.07, division 19729
(G) of section 4735.09, division (E) of section 4735.12, division 19730
(C) of section 4735.14, division (C) of section 4735.141, or 19731
section 4735.182 of the Revised Code, may apply to the 19732
superintendent on a form prescribed by the superintendent to 19733

voluntarily resign the licensee's license. The resignation of a 19734
license is considered to be final without the taking of any action 19735
by the superintendent. If a person whose license is in a resigned 19736
status pursuant to a request made under this division wishes to 19737
obtain an active or inactive license, the person shall apply for 19738
such a license in accordance with the requirements specified in 19739
section 4735.07 or 4735.09 of the Revised Code, as applicable, or 19740
in the rules adopted by the commission pursuant to division (A) of 19741
section 4735.10 of the Revised Code. 19742

(E) If placing a broker's license on voluntary hold or a 19743
resigned status will result in the closure of the broker's 19744
brokerage, the broker, within three days after applying to the 19745
superintendent to place the license on voluntary hold or a 19746
resigned status, shall provide to each salesperson associated with 19747
that broker a written notice stating that fact. 19748

(F) This section does not apply to any licensee whose license 19749
has been suspended pursuant to division (F) of section 4735.181 of 19750
the Revised Code or due to disciplinary action ordered by the 19751
commission pursuant to section 4735.051 of the Revised Code. 19752

Sec. 4752.04. A person seeking a license to provide home 19753
medical equipment services shall apply to the Ohio respiratory 19754
care board on a form the board shall prescribe and provide. The 19755
application must be accompanied by the license application fee 19756
established in rules adopted under section 4752.17 of the Revised 19757
Code and, except that the board may waive all or part of the fee 19758
if the board determines that an applicant's license will be issued 19759
in the last six months of the biennial licensing period 19760
established under section 4752.05 of the Revised Code. 19761

In the application, the applicant shall specify the name and 19762
location of the facility from which services will be provided. 19763

Sec. 4752.05. (A) The Ohio respiratory care board shall issue 19764
a license to provide home medical equipment services to each 19765
applicant under section 4752.04 of the Revised Code that meets 19766
either of the following requirements: 19767

(1) Meets the standards established by the board in rules 19768
adopted under section 4752.17 of the Revised Code; 19769

(2) Is a pharmacy licensed under Chapter 4729. of the Revised 19770
Code that receives total payments of ten thousand dollars or more 19771
per year from selling or renting home medical equipment. 19772

(B) During the period ending one year after ~~the effective~~ 19773
~~date of this section~~ September 16, 2004, an applicant that does 19774
not meet either of the requirements of division (A) of this 19775
section shall be granted a provisional license if for at least 19776
twelve months prior to ~~the effective date of this section~~ 19777
September 16, 2004 the applicant was engaged in the business of 19778
providing home medical equipment services. The provisional license 19779
expires one year following the date on which it is issued and is 19780
not subject to renewal under section 4752.06 of the Revised Code. 19781

(C) The board may conduct a personal interview of an 19782
applicant, or an applicant's representative, to determine the 19783
applicant's qualifications for licensure. 19784

(D) A license issued under division (A) of this section ~~is~~ 19785
~~valid from the day it is issued until the thirtieth day of June~~ 19786
~~that immediately follows the date of issue. Thereafter a license~~ 19787
~~is valid only if it is~~ expires at the end of the licensing period 19788
for which it is issued and may be renewed in accordance with 19789
section 4752.06 of the Revised Code ~~biennially on or before the~~ 19790
~~thirtieth day of June. For purposes of issuing and renewing~~ 19791
licenses, the board shall use a biennial licensing period that 19792
begins on the first day of July of each even-numbered year and 19793
ends on the thirtieth day of June of the next succeeding 19794

even-numbered year. 19795

(E) Any license issued under this section is valid only for 19796
the facility named in the application. 19797

Sec. 4752.06. Except for a provisional license issued under 19798
section 4752.05 of the Revised Code, a license issued under this 19799
chapter shall be renewed by the Ohio respiratory care board if the 19800
license holder is in compliance with the applicable requirements 19801
of this chapter. 19802

An application for license renewal shall be accompanied by 19803
the renewal fee established in rules adopted under section 4752.17 19804
of the Revised Code and, except as provided in division (B) of 19805
section 4752.07 of the Revised Code, by documentation satisfactory 19806
to the board that the continuing education requirements of section 19807
4752.07 of the Revised Code have been met. Renewals shall be made 19808
in accordance with the standard renewal procedure established 19809
under Chapter 4745. of the Revised Code and the renewal procedures 19810
established in rules adopted under section 4752.17 of the Revised 19811
Code. 19812

Sec. 4752.07. (A) The holder of a license issued under this 19813
chapter shall do all of the following: 19814

~~(A)(1)~~ Maintain a physical facility and a medical equipment 19815
inventory; 19816

~~(B)(2)~~ Establish equipment management and personnel policies; 19817

~~(C)(3)~~ Provide life-sustaining home medical equipment, as 19818
described in division (B)(1) of section 4752.01 of the Revised 19819
Code, and related home medical equipment services twenty-four 19820
hours per day, seven days per week; 19821

~~(D) Require (4) Except as provided in division (B) of this~~ 19822
~~section, require~~ persons in its employ or under its control who 19823

provide home medical equipment services to successfully complete 19824
continuing education programs in home medical equipment services 19825
that meet the standards established by rule adopted under section 19826
4752.17 of the Revised Code and maintain records on participation 19827
in those programs; 19828

~~(E)~~(5) Maintain records on all individuals to whom it 19829
provides home medical equipment and services; 19830

~~(F)~~(6) Maintain liability insurance, including coverage for 19831
professional and products liability; 19832

~~(G)~~(7) Comply with all other requirements established by rule 19833
adopted under section 4752.17 of the Revised Code that apply to 19834
persons licensed under this chapter. 19835

(B) For the first renewal of a license that was issued in the 19836
last six months of the biennial licensing period established under 19837
section 4752.05 of the Revised Code, the board may waive all or 19838
part of the continuing education requirements that otherwise would 19839
have to be met to renew the license under section 4752.06 of the 19840
Revised Code. 19841

Sec. 4752.11. (A) A person seeking a certificate of 19842
registration to provide home medical equipment services shall 19843
apply to the Ohio respiratory care board on a form the board shall 19844
prescribe and provide. The application must be accompanied by the 19845
registration fee established in rules adopted under section 19846
4752.17 of the Revised Code, except that the board may waive all 19847
or part of the fee if the board determines that an applicant's 19848
certificate of registration will be issued in the last six months 19849
of the biennial registration period established under section 19850
4752.12 of the Revised Code. 19851

(B) The applicant shall specify in the application all of the 19852
following: 19853

(1) The name of the facility from which services will be provided;	19854 19855
(2) The facility's address;	19856
(3) The facility's telephone number;	19857
(4) A person who may be contacted with regard to the facility;	19858 19859
(5) The name of the national accrediting body that issued the accreditation on which the application is based;	19860 19861
(6) The applicant's accreditation number and the expiration date of the accreditation;	19862 19863
(7) A telephone number that may be used twenty-four hours a day, seven days a week, to obtain information related to the facility's provision of home medical equipment services.	19864 19865 19866
Sec. 4752.12. (A) The Ohio respiratory care board shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code.	19867 19868 19869 19870 19871 19872 19873 19874 19875
(B) A certificate of registration issued under this section is valid from the day it is issued until the thirtieth day of June that immediately follows the date of issue. Thereafter, a certificate of registration is valid only if it is <u>expires at the end of the registration period for which it is issued and may be renewed in accordance with section 4752.13 of the Revised Code biennially on or before the thirtieth day of June. For purposes of renewing certificates of registration, the board shall use a</u>	19876 19877 19878 19879 19880 19881 19882 19883

biennial registration period that begins on the first day of July 19884
of each even-numbered year and ends on the thirtieth day of June 19885
of the next succeeding even-numbered year. 19886

(C) A certificate of registration issued under this section 19887
is valid only for the facility named in the application. 19888

Sec. 4752.13. A certificate of registration issued under this 19889
chapter shall be renewed by the Ohio respiratory care board if the 19890
certificate holder is accredited by the joint commission on 19891
accreditation of healthcare organizations or another national 19892
accrediting body recognized by the board, as specified in rules 19893
adopted under section 4752.17 of the Revised Code. 19894

An application for renewal of a certificate of registration 19895
shall be accompanied by the renewal fee established in rules 19896
adopted under section 4752.17 of the Revised Code. Renewals shall 19897
be made in accordance with the standard renewal procedure 19898
established under Chapter 4745. of the Revised Code and the 19899
renewal procedures established in rules adopted under section 19900
4752.17 of the Revised Code. 19901

Sec. 4905.84. (A) As used in this section: 19902

(1) "Telecommunications relay service" means intrastate 19903
transmission services that provide the ability for an individual 19904
who has a hearing or speech impairment to engage in a 19905
communication by wire or radio with a hearing individual in a 19906
manner that is functionally equivalent to the ability of an 19907
individual who does not have a hearing or speech impairment to 19908
communicate using voice communication services by wire or radio. 19909
"Telecommunications relay service" includes services that enable 19910
two-way communication between an individual who uses a 19911
telecommunications device for the deaf or other nonvoice terminal 19912
device and an individual who does not use such a device. 19913

(2) "TRS provider" means an entity selected by the public utilities commission as the provider of telecommunications relay service for this state as part of the commission's intrastate telecommunications relay service program certified pursuant to federal law. 19914
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(B) For the sole purpose of funding telecommunications relay service, the commission shall, not earlier than January 1, 2009, impose on and collect from each service provider that is required under federal law to provide its customers access to telecommunications relay service an annual assessment to pay for costs incurred by the TRS provider for providing such service in Ohio. The commission shall determine the appropriate service providers to be assessed the telecommunications relay service costs, including telephone companies as defined in division (A)(2) of section 4905.03 of the Revised Code, commercial mobile radio service providers, and providers of advanced services or internet protocol-enabled services that are competitive with or functionally equivalent to basic local exchange service as defined in section 4927.01 of the Revised Code. 19919
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(C) The assessment shall be allocated proportionately among the appropriate service providers using a competitively neutral formula established by the commission based on the number of retail intrastate customer access lines or their equivalent. The commission shall annually reconcile the funds collected with the actual costs of providing telecommunications relay service when it issues the assessment and shall either proportionately charge the service providers for any amounts not sufficient to cover the actual costs or proportionately credit amounts collected in excess of the actual costs. The total amount assessed from all service providers shall not exceed the total telecommunications relay service costs. 19933
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Each service provider that pays the assessment shall be 19945

permitted to recover the cost of the assessment. The method of 19946
recovery may include, but is not limited to, a customer billing 19947
surcharge. 19948

The commission shall deposit the money collected in the 19949
telecommunications relay service fund, which is hereby created in 19950
the state treasury, and shall use the money in that fund solely to 19951
compensate the TRS provider. 19952

(D) The commission shall take such measures as it considers 19953
necessary to protect the confidentiality of information provided 19954
to the commission pursuant to this section by service providers 19955
required to pay the assessment. 19956

(E) The commission may assess a forfeiture of not more than 19957
one thousand dollars on any service provider failing to comply 19958
with this section. Each day's continuance of such failure is a 19959
separate offense. The forfeiture shall be recovered in accordance 19960
with sections 4905.55 to 4905.60 of the Revised Code. 19961

(F) The jurisdiction and authority granted to the commission 19962
by this section is limited to the administration and enforcement 19963
of this section. The commission may adopt such rules as it finds 19964
necessary to carry out this section. The commission shall adopt 19965
rules under Chapter 119. of the Revised Code to establish the 19966
assessment amounts and procedures. 19967

Sec. 4906.13. (A) As used in this section and sections 19968
4906.20 and 4906.98 of the Revised Code, "economically significant 19969
wind farm" means wind turbines and associated facilities with a 19970
single interconnection to the electrical grid and designed for, or 19971
capable of, operation at an aggregate capacity of five or more 19972
megawatts but less than fifty megawatts. The term excludes any 19973
such wind farm in operation on the effective date of this section. 19974
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(B) No public agency or political subdivision of this state 19976
may require any approval, consent, permit, certificate, or other 19977
condition for the construction or initial operation of a major 19978
utility facility or economically significant wind farm authorized 19979
by a certificate issued pursuant to Chapter 4906. of the Revised 19980
Code. Nothing herein shall prevent the application of state laws 19981
for the protection of employees engaged in the construction of 19982
such facility or wind farm nor of municipal regulations that do 19983
not pertain to the location or design of, or pollution control and 19984
abatement standards for, a major utility facility or economically 19985
significant wind farm for which a certificate has been granted 19986
under this chapter. 19987

Sec. 4906.20. (A) No person shall commence to construct an 19988
economically significant wind farm in this state without first 19989
having obtained a certificate from the power siting board. An 19990
economically significant wind farm with respect to which such a 19991
certificate is required shall be constructed, operated, and 19992
maintained in conformity with that certificate and any terms, 19993
conditions, and modifications it contains. A certificate shall be 19994
issued only pursuant to this section. The certificate may be 19995
transferred, subject to the approval of the board, to a person 19996
that agrees to comply with those terms, conditions, and 19997
modifications. 19998

(B) The board shall adopt rules governing the certificating 19999
of economically significant wind farms under this section. Initial 20000
rules shall be adopted within one hundred twenty days after this 20001
section's effective date. 20002

(1) The rules shall provide for an application process for 20003
certificating economically significant wind farms that is 20004
identical to the extent practicable to the process applicable to 20005
certificating major utility facilities under sections 4906.06, 20006

4906.07, 4906.08, 4906.09, 4906.11, and 4906.12 of the Revised Code and shall prescribe a reasonable schedule of application filing fees structured in the manner of the schedule of filing fees required for major utility facilities.

(2) Additionally, the rules shall prescribe reasonable regulations regarding any wind turbines and associated facilities of an economically significant wind farm, including, but not limited to, their location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement and including erosion control, aesthetics, recreational land use, wildlife protection, interconnection with power lines and with regional transmission organizations, independent transmission system operators, or similar organizations, ice throw, sound and noise levels, blade shear, shadow flicker, decommissioning, and necessary cooperation for site visits and enforcement investigations. The rules also shall prescribe a minimum setback for a wind turbine of an economically significant wind farm. That minimum shall be equal to a horizontal distance, from the turbine's base to the property line of the wind farm property, equal to one and one-tenth times the total height of the turbine structure as measured from its base to the tip of its highest blade and be at least seven hundred fifty feet in horizontal distance from the tip of the turbine's nearest blade at ninety degrees to the exterior of the nearest, habitable, residential structure, if any, located on adjacent property at the time of the certification application. The setback shall apply in all cases except those in which all owners of property adjacent to the wind farm property waive application of the setback to that property pursuant to a procedure the board shall establish by rule and except in which, in a particular case, the board determines that a setback greater than the minimum is necessary.

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(C) The board shall approve, or may modify and approve, an application for economically significant wind farm certification if it finds that the construction, operation, and maintenance of the economically significant wind farm will comply with the rules adopted under division (B) of this section. The certificate shall be conditioned upon the economically significant wind farm complying with rules adopted under section 4561.32 of the Revised Code. 20039
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Sec. 4906.98. (A) No person shall construct a major utility facility or economically significant wind farm without first obtaining a certificate. 20047
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(B) No person shall construct, operate, or maintain a major utility facility or economically significant wind farm other than in compliance with the certificate the person has obtained. 20050
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(C) No person or economically significant wind farm shall fail to comply with any order issued pursuant to this chapter or with a suspension otherwise required under division (B) of section 4906.97 of the Revised Code. 20053
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Sec. 4928.142. (A) For the purpose of complying with section 4928.141 of the Revised Code and subject to division (D) of this section and, as applicable, subject to the rate plan requirement of division (A) of section 4928.141 of the Revised Code, an electric distribution utility may establish a standard service offer price for retail electric generation service that is delivered to the utility under a market-rate offer. 20057
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(1) The market-rate offer shall be determined through a competitive bidding process that provides for all of the following: 20064
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(a) Open, fair, and transparent competitive solicitation; 20067

(b) Clear product definition; 20068

(c) Standardized bid evaluation criteria; 20069

(d) Oversight by an independent third party that shall design 20070
the solicitation, administer the bidding, and ensure that the 20071
criteria specified in division (A)(1)(a) to (c) of this section 20072
are met; 20073

(e) Evaluation of the submitted bids prior to the selection 20074
of the least-cost bid winner or winners. 20075

No generation supplier shall be prohibited from participating 20076
in the bidding process. 20077

(2) The public utilities commission shall modify rules, or 20078
adopt new rules as necessary, concerning the conduct of the 20079
competitive bidding process and the qualifications of bidders, 20080
which rules shall foster supplier participation in the bidding 20081
process and shall be consistent with the requirements of division 20082
(A)(1) of this section. 20083

(B) Prior to initiating a competitive bidding process for a 20084
market-rate offer under division (A) of this section, the electric 20085
distribution utility shall file an application with the 20086
commission. An electric distribution utility may file its 20087
application with the commission prior to the effective date of the 20088
commission rules required under division (A)(2) of this section, 20089
and, as the commission determines necessary, the utility shall 20090
immediately conform its filing to the rules upon their taking 20091
effect. 20092

An application under this division shall detail the electric 20093
distribution utility's proposed compliance with the requirements 20094
of division (A)(1) of this section and with commission rules under 20095
division (A)(2) of this section and demonstrate that all of the 20096
following requirements are met: 20097

(1) The electric distribution utility or its transmission 20098
service affiliate belongs to at least one regional transmission 20099

organization that has been approved by the federal energy 20100
regulatory commission; or there otherwise is comparable and 20101
nondiscriminatory access to the electric transmission grid. 20102

(2) Any such regional transmission organization has a 20103
market-monitor function and the ability to take actions to 20104
identify and mitigate market power or the electric distribution 20105
utility's market conduct; or a similar market monitoring function 20106
exists with commensurate ability to identify and monitor market 20107
conditions and mitigate conduct associated with the exercise of 20108
market power. 20109

(3) A published source of information is available publicly 20110
or through subscription that identifies pricing information for 20111
traded electricity on- and off-peak energy products that are 20112
contracts for delivery beginning at least two years from the date 20113
of the publication and is updated on a regular basis. 20114

The commission shall initiate a proceeding and, within ninety 20115
days after the application's filing date, shall determine by order 20116
whether the electric distribution utility and its market-rate 20117
offer meet all of the foregoing requirements. If the finding is 20118
positive, the electric distribution utility may initiate its 20119
competitive bidding process. If the finding is negative as to one 20120
or more requirements, the commission in the order shall direct the 20121
electric distribution utility regarding how any deficiency may be 20122
remedied in a timely manner to the commission's satisfaction; 20123
otherwise, the electric distribution utility shall withdraw the 20124
application. However, if such remedy is made and the subsequent 20125
finding is positive and also if the electric distribution utility 20126
made a simultaneous filing under this section and section 4928.143 20127
of the Revised Code, the utility shall not initiate its 20128
competitive bid until at least one hundred fifty days after the 20129
filing date of those applications. 20130

(C) Upon the completion of the competitive bidding process 20131

authorized by divisions (A) and (B) of this section, including for 20132
the purpose of division (D) of this section, the commission shall 20133
select the least-cost bid winner or winners of that process, and 20134
such selected bid or bids, as prescribed as retail rates by the 20135
commission, shall be the electric distribution utility's standard 20136
service offer unless the commission, by order issued before the 20137
third calendar day following the conclusion of the competitive 20138
bidding process for the market rate offer, determines that one or 20139
more of the following criteria were not met: 20140

(1) Each portion of the bidding process was oversubscribed, 20141
such that the amount of supply bid upon was greater than the 20142
amount of the load bid out. 20143

(2) There were four or more bidders. 20144

(3) At least twenty-five per cent of the load is bid upon by 20145
one or more persons other than the electric distribution utility. 20146

All costs incurred by the electric distribution utility as a 20147
result of or related to the competitive bidding process or to 20148
procuring generation service to provide the standard service 20149
offer, including the costs of energy and capacity and the costs of 20150
all other products and services procured as a result of the 20151
competitive bidding process, shall be timely recovered through the 20152
standard service offer price, and, for that purpose, the 20153
commission shall approve a reconciliation mechanism, other 20154
recovery mechanism, or a combination of such mechanisms for the 20155
utility. 20156

(D) The first application filed under this section by an 20157
electric distribution utility that, as of ~~the effective date of~~ 20158
~~this section~~ July 31, 2008, directly owns, in whole or in part, 20159
operating electric generating facilities that had been used and 20160
useful in this state shall require that a portion of that 20161
utility's standard service offer load for the first five years of 20162

the market rate offer be competitively bid under division (A) of 20163
this section as follows: ten per cent of the load in year one ~~and~~, 20164
not ~~less~~ more than twenty per cent in year two, not more than 20165
thirty per cent in year three, not more than forty per cent in 20166
year four, and not more than fifty per cent in year five. 20167
Consistent with those percentages, the commission shall determine 20168
the actual percentages for each year of years one through five. 20169
The standard service offer price for retail electric generation 20170
service under this first application shall be a proportionate 20171
blend of the bid price and the generation service price for the 20172
remaining standard service offer load, which latter price shall be 20173
equal to the electric distribution utility's most recent standard 20174
service offer price, adjusted upward or downward as the commission 20175
determines reasonable, relative to the jurisdictional portion of 20176
any known and measurable changes from the level of any one or more 20177
of the following costs as reflected in that most recent standard 20178
service offer price: 20179

(1) The electric distribution utility's prudently incurred 20181
cost of fuel used to produce electricity; 20182

(2) Its prudently incurred purchased power costs; 20183

(3) Its prudently incurred costs of satisfying the supply and 20184
demand portfolio requirements of this state, including, but not 20185
limited to, renewable energy resource and energy efficiency 20186
requirements; 20187

(4) Its costs prudently incurred to comply with environmental 20188
laws and regulations, with consideration of the derating of any 20189
facility associated with those costs. 20190

In making any adjustment to the most recent standard service 20191
offer price on the basis of costs described in division (D) of 20192
this section, the commission shall include the benefits that may 20193

become available to the electric distribution utility as a result 20194
of or in connection with the costs included in the adjustment, 20195
including, but not limited to, the utility's receipt of emissions 20196
credits or its receipt of tax benefits or of other benefits, and, 20197
accordingly, the commission may impose such conditions on the 20198
adjustment to ensure that any such benefits are properly aligned 20199
with the associated cost responsibility. The commission shall also 20200
determine how such adjustments will affect the electric 20201
distribution utility's return on common equity that may be 20202
achieved by those adjustments. The commission shall not apply its 20203
consideration of the return on common equity to reduce any 20204
adjustments authorized under this division unless the adjustments 20205
will cause the electric distribution utility to earn a return on 20206
common equity that is significantly in excess of the return on 20207
common equity that is earned by publicly traded companies, 20208
including utilities, that face comparable business and financial 20209
risk, with such adjustments for capital structure as may be 20210
appropriate. The burden of proof for demonstrating that 20211
significantly excessive earnings will not occur shall be on the 20212
electric distribution utility. 20213

Additionally, the commission may adjust the electric 20214
distribution utility's most recent standard service offer price by 20215
such just and reasonable amount that the commission determines 20216
necessary to address any emergency that threatens the utility's 20217
financial integrity or to ensure that the resulting revenue 20218
available to the utility for providing the standard service offer 20219
is not so inadequate as to result, directly or indirectly, in a 20220
taking of property without compensation pursuant to Section 19 of 20221
Article I, Ohio Constitution. The electric distribution utility 20222
has the burden of demonstrating that any adjustment to its most 20223
recent standard service offer price is proper in accordance with 20224
this division. 20225

(E) Beginning in the second year of a blended price under 20226
division (D) of this section and notwithstanding any other 20227
requirement of this section, the commission may alter 20228
prospectively the proportions specified in that division to 20229
mitigate any effect of an abrupt or significant change in the 20230
electric distribution utility's standard service offer price that 20231
would otherwise result in general or with respect to any rate 20232
group or rate schedule but for such alteration. Any such 20233
alteration shall be made not more often than annually, and the 20234
commission shall not, by altering those proportions and in any 20235
event, including because of the length of time, as authorized 20236
under division (C) of this section, taken to approve the market 20237
rate offer, cause the duration of the blending period to exceed 20238
ten years as counted from the effective date of the approved 20239
market rate offer. Additionally, any such alteration shall be 20240
limited to an alteration affecting the prospective proportions 20241
used during the blending period and shall not affect any blending 20242
proportion previously approved and applied by the commission under 20243
this division. 20244

(F) An electric distribution utility that has received 20245
commission approval of its first application under division (C) of 20246
this section shall not, nor ever shall be authorized or required 20247
by the commission to, file an application under section 4928.143 20248
of the Revised Code. 20249

Sec. 4928.20. (A) The legislative authority of a municipal 20250
corporation may adopt an ordinance, or the board of township 20251
trustees of a township or the board of county commissioners of a 20252
county may adopt a resolution, under which, on or after the 20253
starting date of competitive retail electric service, it may 20254
aggregate in accordance with this section the retail electrical 20255
loads located, respectively, within the municipal corporation, 20256
township, or unincorporated area of the county and, for that 20257

purpose, may enter into service agreements to facilitate for those 20258
loads the sale and purchase of electricity. The legislative 20259
authority or board also may exercise such authority jointly with 20260
any other such legislative authority or board. For customers that 20261
are not mercantile customers, an ordinance or resolution under 20262
this division shall specify whether the aggregation will occur 20263
only with the prior, affirmative consent of each person owning, 20264
occupying, controlling, or using an electric load center proposed 20265
to be aggregated or will occur automatically for all such persons 20266
pursuant to the opt-out requirements of division (D) of this 20267
section. The aggregation of mercantile customers shall occur only 20268
with the prior, affirmative consent of each such person owning, 20269
occupying, controlling, or using an electric load center proposed 20270
to be aggregated. Nothing in this division, however, authorizes 20271
the aggregation of the retail electric loads of an electric load 20272
center, as defined in section 4933.81 of the Revised Code, that is 20273
located in the certified territory of a nonprofit electric 20274
supplier under sections 4933.81 to 4933.90 of the Revised Code or 20275
an electric load center served by transmission or distribution 20276
facilities of a municipal electric utility. 20277

(B) If an ordinance or resolution adopted under division (A) 20278
of this section specifies that aggregation of customers that are 20279
not mercantile customers will occur automatically as described in 20280
that division, the ordinance or resolution shall direct the board 20281
of elections to submit the question of the authority to aggregate 20282
to the electors of the respective municipal corporation, township, 20283
or unincorporated area of a county at a special election on the 20284
day of the next primary or general election in the municipal 20285
corporation, township, or county. The legislative authority or 20286
board shall certify a copy of the ordinance or resolution to the 20287
board of elections not less than seventy-five days before the day 20288
of the special election. No ordinance or resolution adopted under 20289
division (A) of this section that provides for an election under 20290

this division shall take effect unless approved by a majority of 20291
the electors voting upon the ordinance or resolution at the 20292
election held pursuant to this division. 20293

(C) Upon the applicable requisite authority under divisions 20294
(A) and (B) of this section, the legislative authority or board 20295
shall develop a plan of operation and governance for the 20296
aggregation program so authorized. Before adopting a plan under 20297
this division, the legislative authority or board shall hold at 20298
least two public hearings on the plan. Before the first hearing, 20299
the legislative authority or board shall publish notice of the 20300
hearings once a week for two consecutive weeks in a newspaper of 20301
general circulation in the jurisdiction. The notice shall 20302
summarize the plan and state the date, time, and location of each 20303
hearing. 20304

(D) No legislative authority or board, pursuant to an 20305
ordinance or resolution under divisions (A) and (B) of this 20306
section that provides for automatic aggregation of customers that 20307
are not mercantile customers as described in division (A) of this 20308
section, shall aggregate the electrical load of any electric load 20309
center located within its jurisdiction unless it in advance 20310
clearly discloses to the person owning, occupying, controlling, or 20311
using the load center that the person will be enrolled 20312
automatically in the aggregation program and will remain so 20313
enrolled unless the person affirmatively elects by a stated 20314
procedure not to be so enrolled. The disclosure shall state 20315
prominently the rates, charges, and other terms and conditions of 20316
enrollment. The stated procedure shall allow any person enrolled 20317
in the aggregation program the opportunity to opt out of the 20318
program every three years, without paying a switching fee. Any 20319
such person that opts out before the commencement of the 20320
aggregation program pursuant to the stated procedure shall default 20321
to the standard service offer provided under section 4928.14 or 20322

division (D) of section 4928.35 of the Revised Code until the person chooses an alternative supplier.

(E)(1) With respect to a governmental aggregation for a municipal corporation that is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.41 of the Revised Code.

(2) With respect to a governmental aggregation for a township or the unincorporated area of a county, which aggregation is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.40 of the Revised Code, except that:

(a) The petitions shall be filed, respectively, with the township fiscal officer or the board of county commissioners, who shall perform those duties imposed under those sections upon the city auditor or village clerk.

(b) The petitions shall contain the signatures of not less than ten per cent of the total number of electors in, respectively, the township or the unincorporated area of the county who voted for the office of governor at the preceding general election for that office in that area.

(F) A governmental aggregator under division (A) of this section is not a public utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregated service is not a wholesale utility transaction. A governmental aggregator shall be subject to supervision and regulation by the public utilities commission only to the extent of any competitive retail electric service it provides and commission authority under this chapter.

(G) This section does not apply in the case of a municipal

corporation that supplies such aggregated service to electric load 20354
centers to which its municipal electric utility also supplies a 20355
noncompetitive retail electric service through transmission or 20356
distribution facilities the utility singly or jointly owns or 20357
operates. 20358

(H) A governmental aggregator shall not include in its 20359
aggregation the accounts of any of the following: 20360

(1) A customer that has opted out of the aggregation; 20361

(2) A customer in contract with a certified electric services 20362
company; 20363

(3) A customer that has a special contract with an electric 20364
distribution utility; 20365

(4) A customer that is not located within the governmental 20366
aggregator's governmental boundaries; 20367

(5) Subject to division (C) of section 4928.21 of the Revised 20368
Code, a customer who appears on the "do not aggregate" list 20369
maintained under that section. 20370

(I) Customers that are part of a governmental aggregation 20371
under this section shall be responsible only for such portion of a 20372
surcharge under section 4928.144 of the Revised Code that is 20373
proportionate to the benefits, as determined by the commission, 20374
that electric load centers within the jurisdiction of the 20375
governmental ~~aggregation's customers aggregation~~ as an aggregated 20376
a group receive. The proportionate surcharge so established shall 20377
apply to each customer of the governmental aggregation while the 20378
customer is part of that aggregation. If a customer ceases being 20379
such a customer, the otherwise applicable surcharge shall apply. 20380
Nothing in this section shall result in less than full recovery by 20381
an electric distribution utility of any surcharge authorized under 20382
section 4928.144 of the Revised Code. 20383

(J) On behalf of the customers that are part of a 20384
governmental aggregation under this section and by filing written 20385
notice with the public utilities commission, the legislative 20386
authority that formed or is forming that governmental aggregation 20387
may elect not to receive standby service within the meaning of 20388
division (B)(2)(~~e~~)(d) of section 4928.143 of the Revised Code from 20389
an electric distribution utility in whose certified territory the 20390
governmental aggregation is located and that operates under an 20391
approved electric security plan under that section. Upon the 20392
filing of that notice, the electric distribution utility shall not 20393
charge any such customer to whom ~~electricity is delivered~~ 20394
competitive retail electric generation service is provided by 20395
another supplier under the governmental aggregation for the 20396
standby service. Any such consumer that returns to the utility for 20397
competitive retail electric service shall pay the market price of 20398
power incurred by the utility to serve that consumer plus any 20399
amount attributable to the utility's cost of compliance with the 20400
alternative energy resource provisions of section 4928.64 of the 20401
Revised Code to serve the consumer. Such market price shall 20402
include, but not be limited to, capacity and energy charges; all 20403
charges associated with the provision of that power supply through 20404
the regional transmission organization, including, but not limited 20405
to, transmission, ancillary services, congestion, and settlement 20406
and administrative charges; and all other costs incurred by the 20407
utility that are associated with the procurement, provision, and 20408
administration of that power supply, as such costs may be approved 20409
by the commission. The period of time during which the market 20410
price and alternative energy resource amount shall be so assessed 20411
on the consumer shall be from the time the consumer so returns to 20412
the electric distribution utility until the expiration of the 20413
electric security plan. However, if that period of time is 20414
expected to be more than two years, the commission may reduce the 20415
time period to a period of not less than two years. 20416

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(K) The commission shall adopt rules to encourage and promote large-scale governmental aggregation in this state. For that purpose, the commission shall conduct an immediate review of any rules it has adopted for the purpose of this section that are in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008. Further, within the context of an electric security plan under section 4928.143 of the Revised Code, the commission shall consider the effect on large-scale governmental aggregation of any nonbypassable generation charges, however collected, that would be established under that plan, except any nonbypassable generation ~~charge~~ charges that ~~relates~~ relate to a any cost incurred by the electric distribution utility, the deferral of which has been authorized by the commission prior to the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.

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Sec. 4981.14. (A) The Ohio rail development commission may exercise all powers necessary or appropriate to carry out its corporate purposes.

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(B) The commission may do all of the following:

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(1) Adopt, and from time to time, ratify, amend, and repeal bylaws necessary and proper for the regulation of its affairs and the conduct of its business and rules to implement and make effective its powers and duties;

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(2) Adopt an official seal;

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(3) Maintain a principal office in Columbus and, if necessary, regional sub-offices at locations properly designated or provided;

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(4) Sue and be sued in its own name and plead and be

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impleaded in its own name, particularly to enforce the obligations 20447
and covenants made under this section and sections 4981.13, 20448
~~4981.14,~~ and 4981.29 of the Revised Code. Any actions against the 20449
commission shall be brought in the court of common pleas in 20450
Franklin county, in which the principal office of the commission 20451
shall be located. 20452

(5) Undertake or cause to be undertaken the acquisition, 20453
renovation, repair, refunding, operation, maintenance, or 20454
construction of any rail service project; 20455

(6) Establish and operate a revolving loan fund for the 20456
purpose of making loans to qualifying subdivisions, local or 20457
regional transportation authorities, or other persons for the 20458
acquisition, renovation, repair, refunding, or construction of 20459
rail service projects by such qualifying subdivisions, local or 20460
regional transportation authorities, and private corporations or 20461
organizations, and the repayment thereof from project financing 20462
proceeds and revenues; purchase the obligations of counties and 20463
municipal corporations issued for the acquisition, renovation, 20464
repair, or construction of rail service projects by such 20465
qualifying subdivisions and local or regional transportation 20466
authorities; and adopt rules and procedures for making those loans 20467
or purchasing those obligations; 20468

(7) Issue bonds and notes and refunding obligations of the 20469
state, payable as provided in this chapter unless the bonds are 20470
refunded by refunding bonds, for the purpose of borrowing money to 20471
implement any power granted by divisions (B)(5) and (6) of this 20472
section for one or more rail service projects or parts thereof; 20473

(8) Acquire by gift or purchase, hold, or dispose of real and 20474
personal property in the exercise of its powers and performance of 20475
its duties as set forth in this chapter; 20476

(9) Make and enter into all contracts and agreements and 20477

execute all instruments necessary or incidental to the performance 20478
of its duties and the execution of its powers and to employ 20479
natural persons to act on behalf of the commission, and to 20480
establish the terms and conditions of such employment; 20481

(10) Receive and accept from any federal agency or other 20482
person, subject to the approval of the governor, grants for or in 20483
aid of the construction, repair, renovation, operation, 20484
maintenance, or acquisition of rail service projects, and receive 20485
and accept aid or contributions from any source of money, 20486
property, labor, or other things of value, to be held, used, and 20487
applied only for the purposes for which the grants and 20488
contributions are made; 20489

(11) Purchase property coverage and liability insurance for 20490
any rail service project and for any offices of the commission, 20491
insurance protecting the commission and its officers and employees 20492
against liability, if any, or damage to property or injury to or 20493
death of persons arising from its operations, and any other 20494
insurance the commission may agree to provide under any resolution 20495
authorizing the issuance of bonds in accordance with sections 20496
4981.11 to 4981.26 of the Revised Code, or in any trust agreement 20497
securing the same; 20498

(12) Establish or increase reserves from moneys received or 20499
to be received by the commission to secure or pay the principal of 20500
and interest on bonds, notes, or other obligations issued by the 20501
commission pursuant to this chapter or other law. Moneys, funds, 20502
and accounts of the commission, however, are subject only to audit 20503
by the auditor of state and all moneys, funds, and accounts shall 20504
be held in custody or deposited as directed by resolution of the 20505
commission and unless otherwise provided by law all moneys of the 20506
commission not pledged to the holders of bonds of the commission 20507
shall be appropriated by the general assembly. 20508

(13) Receive and disburse the proceeds of general obligation 20509

or other bonds of the state or agencies thereof as may be allowed 20510
by law pursuant to any resolution or act of the general assembly; 20511

(14) To the extent permitted under its contracts with the 20512
holders of bonds or notes of the commission, consent to 20513
modification of the rate of interest, time and payment of 20514
installment of principal or interest, security, or any other term 20515
of a bond, contract, or agreement of any kind to which the 20516
commission is a party; 20517

(15) Make grants to counties or municipal corporations, 20518
qualifying subdivisions, local or regional transportation 20519
authorities, or other persons for one or more rail service 20520
projects ~~of~~ or parts thereof; 20521

(16) Provide consultation services to any qualifying 20522
subdivision, local or regional transportation authority, or other 20523
person in connection with the acquisition, renovation, repair, or 20524
construction of any rail service project; 20525

(17) Establish and amend the criteria and qualifications for 20526
the making of any loan to or the purchasing of any bond from any 20527
qualifying subdivision, local or regional transportation 20528
authority, or other person and the terms not inconsistent with 20529
this chapter of any loan or bond purchase agreement with any 20530
qualifying subdivision, local or regional transportation 20531
authority, or other person; 20532

(18) Deposit money received from the repayment of loans and 20533
recoveries from the sale, lease, or other disposition of property 20534
acquired or constructed from amounts loaned by the commission 20535
pursuant to section 4981.13 of the Revised Code or division (B) of 20536
this section, in an account pledged to secure, and applied to the 20537
repayment, without the need for appropriation, of, obligations 20538
issued under section 166.08 of the Revised Code to pay the costs 20539
of property, facilities, or equipment that qualifies as rail 20540

service projects; enter into agreements with the treasurer of 20541
state or a corporate trustee for such obligations to provide for 20542
the deposit and pledge of such money as specified in the 20543
agreement, to permit the withdrawal of money by the treasurer of 20544
state or corporate trustee from the account as necessary for 20545
application to the payment of debt service on such obligations, 20546
and to permit the investment of those amounts, without regard to 20547
Chapter 131. or 135. of the Revised Code, pending their 20548
application to the payment of debt service; and enter into 20549
agreements with persons to provide for the repayment of any 20550
amounts paid from any pledged account in connection with 20551
obligations issued under section 166.08 of the Revised Code; 20552

(19) Do all acts necessary and proper to carry out the powers 20553
expressly granted to the commission in this chapter. 20554

(C) Any instrument by which real property is acquired 20555
pursuant to this section shall identify the agency of the state 20556
that has the use and benefit of the real property as specified in 20557
section 5301.012 of the Revised Code. 20558

Sec. 5101.143. (A) The state adoption assistance loan fund is 20559
hereby created in the state treasury. The fund shall consist of 20560
all money appropriated or transferred to it and all loan 20561
repayments or other money, including interest and penalties, 20562
derived from state adoption assistance loans. The department of 20563
job and family services shall administer the fund. Money in the 20564
fund shall be used to make state adoption assistance loans to 20565
prospective adoptive parents applying for a loan under section 20566
3107.018 of the Revised Code. All investment earnings of the fund 20567
shall be credited to the fund. 20568

(B) The director of job and family services shall adopt rules 20569
in accordance with Chapter 119. of the Revised Code as necessary 20570
to implement this section, including rules for creating a loan 20571

application form, procedures and standards for reviewing and 20572
granting or denying loan applications, conditions on the use of 20573
the loan, loan repayment terms, procedures for collection of loan 20574
arrearages, and any monetary penalties for loan arrearages or 20575
improper use of loan funds. 20576

Sec. 5101.26. As used in this section and in sections 5101.27 20577
to 5101.30 of the Revised Code: 20578

(A) "County agency" means a county department of job and 20579
family services or a public children services agency. 20580

(B) "Fugitive felon" means an individual who is fleeing to 20581
avoid prosecution, or custody or confinement after conviction, 20582
under the laws of the place from which the individual is fleeing, 20583
for a crime or an attempt to commit a crime that is a felony under 20584
the laws of the place from which the individual is fleeing or, in 20585
the case of New Jersey, a high misdemeanor, regardless of whether 20586
the individual has departed from the individual's usual place of 20587
residence. 20588

(C) "Information" means records as defined in section 149.011 20589
of the Revised Code, any other documents in any format, and data 20590
derived from records and documents that are generated, acquired, 20591
or maintained by the department of job and family services, a 20592
county agency, or an entity performing duties on behalf of the 20593
department or a county agency. 20594

(D) "Law enforcement agency" means the state highway patrol, 20595
an agency that employs peace officers as defined in section 109.71 20596
of the Revised Code, the adult parole authority, a county 20597
department of probation, a prosecuting attorney, the attorney 20598
general, similar agencies of other states, federal law enforcement 20599
agencies, and postal inspectors. "Law enforcement agency" includes 20600
the peace officers and other law enforcement officers employed by 20601
the agency. 20602

(E) "Medical assistance provided under a public assistance program" means medical assistance provided under the programs established under sections 5101.49, 5101.50 to 5101.503, 5101.51 to 5101.5110, ~~and~~ 5101.52 to 5101.529, and 5101.5211 to 5101.5216, Chapters 5111. and 5115., or any other provision of the Revised Code.

(F) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., 5108., 5111., or 5115. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.

(G) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

Sec. 5101.5211. (A) As used in sections 5101.5211 to 5101.5216 of the Revised Code:

"Children's buy-in program" means the program established under sections 5101.5211 to 5101.5216 of the Revised Code.

"Countable family income" has the meaning established in rules adopted under section 5101.5215 of the Revised Code.

"Creditable coverage" has the same meaning as in 42 U.S.C. 300gg(c)(1), except that it does not mean medical assistance available under the children's buy-in program or the program for medically handicapped children.

"Family" has the meaning established in rules adopted under section 5101.5215 of the Revised Code.

"Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

"Program for medically handicapped children" means the program established under sections 3701.021 to 3701.0210 of the

Revised Code. 20633

(B) The director of job and family services shall establish 20634
the children's buy-in program in accordance with sections 20635
5101.5211 to 5101.5216 of the Revised Code. The director shall 20636
submit to the United States secretary of health and human services 20637
an amendment to the state medicaid plan, an amendment to the state 20638
child health plan, one or more requests for a federal waiver, or 20639
such an amendment and waiver requests as necessary to seek federal 20640
matching funds for the children's buy-in program. The director 20641
shall not begin implementation of the program until after 20642
submitting the amendment, waiver request, or both. The director 20643
may begin implementation of the program before receiving approval 20644
of the amendment, waiver request, or both using state funds only. 20645
The director shall implement the program regardless of whether the 20646
amendment, waiver request, or both are denied. The program shall 20647
be funded with state funds only if the United States secretary 20648
denies federal matching funds for the program. If the United 20649
States secretary approves federal matching funds for the program 20650
and if permitted under the terms of the approval, the program 20651
shall be operated as part of the medicaid program, the children's 20652
health insurance program, or both. 20653

Sec. 5101.5212. Under the children's buy-in program and 20654
subject to section 5101.5213 of the Revised Code, an individual 20655
who does both of the following in accordance with rules adopted 20656
under section 5101.5215 of the Revised Code qualifies for medical 20657
assistance under the program, unless the director of job and 20658
family services has adopted rules under division (B) of section 20659
5101.5215 of the Revised Code to limit the number of individuals 20660
who may participate in the program at one time and the program is 20661
serving the maximum number of individuals specified in the rules: 20662
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(A) Applies for the children's buy-in program;	20664
(B) Provides satisfactory evidence of all of the following:	20665
(1) That the individual is under nineteen years of age;	20666
(2) That the individual's countable <u>family</u> income exceeds	20667
three <u>two</u> hundred <u>fifty</u> per cent of the federal poverty	20668
guidelines;	20669
(3) That the individual has not had creditable coverage for	20670
at least six months before enrolling in the children's buy-in	20671
program, <u>unless the individual lost the only creditable coverage</u>	20672
<u>available to the individual because the individual exhausted a</u>	20673
<u>lifetime benefit limitation;</u>	20674
(4) That one or more of the following apply to the	20675
individual:	20676
(a) The individual is unable to obtain creditable coverage	20677
due to a pre-existing condition of the individual;	20678
(b) The individual lost the only creditable coverage	20679
available to the individual because the individual has exhausted a	20680
lifetime benefit limitation;	20681
(c) The premium for the only creditable coverage available to	20682
the individual is greater than two hundred per cent of the premium	20683
applicable to the individual under the children's buy-in program;	20684
(d) The individual participates in the program for medically	20685
handicapped children.	20686
(5) That the individual meets the additional eligibility	20687
requirements for the children's buy-in program established in	20688
rules adopted under section 5101.5215 of the Revised Code.	20689
Sec. 5101.5213. (A) An individual participating in the	20690
children's buy-in program shall be charged a monthly premium	20691
established by rules adopted under section 5101.5215 of the	20692

Revised Code. The amount of the monthly premium shall not be less than the following:

(1) In the case of an individual with countable family income exceeding ~~three~~ two hundred fifty per cent but not exceeding four hundred per cent of the federal poverty guidelines, the following amount:

(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred dollars;

(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred fifty dollars.

(2) In the case of an individual with countable family income exceeding four hundred per cent but not exceeding five hundred per cent of the federal poverty guidelines, the following amount:

(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred twenty-five dollars;

(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred seventy-five dollars.

(3) In the case of an individual with countable family income exceeding five hundred per cent of the federal poverty guidelines, the full amount of the actuarially determined cost of the premium.

(B) If the premium for the children's buy-in program is not paid for two consecutive months, the individual shall lose eligibility for the program. The individual may not resume participation in the program until the unpaid premiums that

accrued before the individual lost eligibility are paid. 20723

Sec. 5101.5214. (A) An individual participating in the 20724
children's buy-in program ~~may~~ shall be charged co-payments ~~to the~~ 20725
~~extent required~~ established by rules, ~~if any,~~ adopted under 20726
~~division (B)~~ of section 5101.5215 of the Revised Code. 20727

(B) Notwithstanding division (B) of section 5111.0112 of the 20728
Revised Code, if applicable, and to the extent permitted by 20729
federal law, a provider may refuse to provide a service to an 20730
individual if a co-payment ~~authorized~~ required by this section is 20731
not paid. 20732

Sec. 5101.5215. (A) The director of job and family services 20733
shall adopt rules in accordance with Chapter 119. of the Revised 20734
Code as necessary to implement the children's buy-in program, 20735
including rules that do all of the following: 20736

(1) Establish the meaning of "countable family income" and 20737
"family"; 20738

(2) For the purpose of section 5101.5212 of the Revised Code, 20739
establish additional eligibility requirements for the program; 20740
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(3) For the purpose of section 5101.5213 of the Revised Code, 20742
establish monthly premiums for the children's buy-in program; 20743
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(4) For the purpose of section 5101.5214 of the Revised Code, 20745
establish copayment requirements for the children's buy-in 20746
program. 20747

(B) The director may adopt rules in accordance with Chapter 20748
119. of the Revised Code to ~~establish co-payment requirements for~~ 20749
limit the number of individuals ~~participating~~ who may participate 20750
in the children's buy-in program at one time. 20751

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of	20752
the Revised Code:	20753
(A) "Information" means all of the following:	20754
(1) An individual's name, address, date of birth, and social	20755
security number;	20756
(2) The group or plan number, or other identifier, assigned	20757
by a third party to a policy held by an individual or a plan in	20758
which the individual participates and the nature of the coverage;	20759
(3) Any other data the director of job and family services	20760
specifies in rules adopted under section 5101.591 of the Revised	20761
Code.	20762
(B) "Medical assistance" means medical items or services	20763
provided under any of the following:	20764
(1) Medicaid, as defined in section 5111.01 of the Revised	20765
Code;	20766
(2) The children's health insurance program part I, part II,	20767
and part III established under sections 5101.50 to 5101.529 of the	20768
Revised Code;	20769
(3) The disability medical assistance program established	20770
under Chapter 5115. of the Revised Code;	20771
<u>(4) The children's buy-in program established under sections</u>	20772
<u>5101.5211 to 5101.5216 of the Revised Code.</u>	20773
(C) "Medical support" means support specified as support for	20774
the purpose of medical care by order of a court or administrative	20775
agency.	20776
(D) "Public assistance" means medical assistance or	20777
assistance under the Ohio works first program established under	20778
Chapter 5107. of the Revised Code.	20779
(E)(1) Subject to division (E)(2) of this section, and except	20780

as provided in division (E)(3) of this section, "third party" 20781
means all of the following: 20782

(a) A person authorized to engage in the business of sickness 20783
and accident insurance under Title XXXIX of the Revised Code; 20784

(b) A person or governmental entity providing coverage for 20785
medical services or items to individuals on a self-insurance 20786
basis; 20787

(c) A health insuring corporation as defined in section 20788
1751.01 of the Revised Code; 20789

(d) A group health plan as defined in 29 U.S.C. 1167; 20790

(e) A service benefit plan as referenced in 42 U.S.C. 20791
1396a(a)(25); 20792

(f) A managed care organization; 20793

(g) A pharmacy benefit manager; 20794

(h) A third party administrator; 20795

(i) Any other person or governmental entity that is, by law, 20796
contract, or agreement, responsible for the payment or processing 20797
of a claim for a medical item or service for a public assistance 20798
recipient or participant. 20799

(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a 20800
person or governmental entity listed in division (E)(1) of this 20801
section is a third party even if the person or governmental entity 20802
limits or excludes payments for a medical item or service in the 20803
case of a public assistance recipient. 20804

(3) "Third party" does not include the program for medically 20805
handicapped children established under section 3701.023 of the 20806
Revised Code. 20807

Sec. 5101.572. (A) A third party shall cooperate with the 20808
department of job and family services in identifying individuals 20809

for the purpose of establishing third party liability pursuant to 20810
Title XIX of the Social Security Act, as amended. 20811

(B) In furtherance of the requirement in division (A) of this 20812
section and to allow the department to determine any period that 20813
the individual or the individual's spouse or dependent may have 20814
been covered by the third party and the nature of the coverage, a 20815
third party shall provide, as the department so chooses, 20816
information or access to information, or both, in the third 20817
party's electronic data system on the department's request and in 20818
accordance with division (C) of this section. 20819

(C)(1) If the department chooses to receive information 20820
directly, the third party shall provide the information under all 20821
of the following circumstances: 20822

(a) In a medium, format, and manner prescribed by the 20823
director of job and family services in rules adopted under section 20824
5101.591 of the Revised Code; 20825

(b) Free of charge; 20826

(c) Not later than the end of the thirtieth day after the 20827
department makes its request, unless a different time is agreed to 20828
by the director in writing. 20829

(2) If the department chooses to receive access to 20830
information, the third party shall provide access by a method 20831
prescribed by the director of job and family services in rules 20832
adopted under section 5101.591 of the Revised Code. In 20833
facilitating access, the department may enter into a trading 20834
partner agreement with the third party to permit the exchange of 20835
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 20836
Inquiry and Response" transactions. 20837

(D) All of the following apply with respect to information 20838
provided by a third party to the department under this section: 20839

(1) The information is confidential and not a public record 20840
under section 149.43 of the Revised Code. 20841

(2) The release of information to the department is not to be 20842
considered a violation of any right of confidentiality or contract 20843
that the third party may have with covered persons including, but 20844
not limited to, contractees, beneficiaries, heirs, assignees, and 20845
subscribers. 20846

(3) The third party is immune from any liability that it may 20847
otherwise incur through its release of information to the 20848
department. 20849

The department of job and family services shall limit its use 20850
of information gained from third parties to purposes directly 20851
connected with the administration of the medicaid program and the 20852
child support program authorized by Title IV-D of the "Social 20853
Security Act." 20854

(E) No third party shall disclose to other parties or make 20855
use of any information regarding recipients of aid under Chapter 20856
5107. or 5111. of the Revised Code that it obtains from the 20857
department, except in the manner provided for by the director of 20858
job and family services in administrative rules. 20859

Sec. 5101.58. (A) The acceptance of public assistance gives 20860
an automatic right of recovery to the department of job and family 20861
services and a county department of job and family services 20862
against the liability of a third party for the cost of medical 20863
assistance paid on behalf of the public assistance recipient or 20864
participant. When an action or claim is brought against a third 20865
party by a public assistance recipient or participant, any 20866
payment, settlement or compromise of the action or claim, or any 20867
court award or judgment, is subject to the recovery right of the 20868
department of job and family services or county department of job 20869
and family services. Except in the case of a recipient or 20870

participant who receives medical assistance through a managed care organization, the department's or county department's claim shall not exceed the amount of medical assistance paid by a department on behalf of the recipient or participant. A payment, settlement, compromise, judgment, or award that excludes the cost of medical assistance paid for by a department shall not preclude a department from enforcing its rights under this section.

(B) In the case of a recipient or participant who receives medical assistance through a managed care organization, the amount of the department's or county department's claim shall be the amount the managed care organization pays for medical assistance rendered to the recipient or participant, even if that amount is more than the amount a department pays to the managed care organization for the recipient's or participant's medical assistance.

(C) A recipient or participant, and the recipient's or participant's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the recipient or participant, or the recipient's or participant's attorney, if any, shall, not later than thirty days after initiating informal recovery activity or filing a legal recovery action against a third party, provide written notice of the activity or action to the appropriate department or departments as follows:

(1) To only the department of job and family services when medical assistance under medicaid or the children's buy-in program has been paid;

(2) To the department of job and family services and the appropriate county department of job and family services when medical assistance under the disability medical assistance program has been paid.

(D) The written notice that must be given under division (C) 20902
of this section shall disclose the identity and address of any 20903
third party against whom the recipient or participant has or may 20904
have a right of recovery. 20905

(E) No settlement, compromise, judgment, or award or any 20906
recovery in any action or claim by a recipient or participant 20907
where the departments have a right of recovery shall be made final 20908
without first giving the appropriate departments written notice as 20909
described in division (C) of this section and a reasonable 20910
opportunity to perfect their rights of recovery. If the 20911
departments are not given the appropriate written notice, the 20912
recipient or participant and, if there is one, the recipient's or 20913
participant's attorney, are liable to reimburse the departments 20914
for the recovery received to the extent of medical payments made 20915
by the departments. 20916

(F) The departments shall be permitted to enforce their 20917
recovery rights against the third party even though they accepted 20918
prior payments in discharge of their rights under this section if, 20919
at the time the departments received such payments, they were not 20920
aware that additional medical expenses had been incurred but had 20921
not yet been paid by the departments. The third party becomes 20922
liable to the department of job and family services or county 20923
department of job and family services as soon as the third party 20924
is notified in writing of the valid claims for recovery under this 20925
section. 20926

(G)(1) Subject to division (G)(2) of this section, the right 20927
of recovery of a department does not apply to that portion of any 20928
judgment, award, settlement, or compromise of a claim, to the 20929
extent of attorneys' fees, costs, or other expenses incurred by a 20930
recipient or participant in securing the judgment, award, 20931
settlement, or compromise, or to the extent of medical, surgical, 20932
and hospital expenses paid by such recipient or participant from 20933

the recipient's or participant's own resources. 20934

(2) Reasonable attorneys' fees, not to exceed one-third of 20935
the total judgment, award, settlement, or compromise, plus costs 20936
and other expenses incurred by the recipient or participant in 20937
securing the judgment, award, settlement, or compromise, shall 20938
first be deducted from the total judgment, award, settlement, or 20939
compromise. After fees, costs, and other expenses are deducted 20940
from the total judgment, award, settlement, or compromise, the 20941
department of job and family services or appropriate county 20942
department of job and family services shall receive no less than 20943
one-half of the remaining amount, or the actual amount of medical 20944
assistance paid, whichever is less. 20945

(H) A right of recovery created by this section may be 20946
enforced separately or jointly by the department of job and family 20947
services or the appropriate county department of job and family 20948
services. To enforce their recovery rights, the departments may do 20949
any of the following: 20950

(1) Intervene or join in any action or proceeding brought by 20951
the recipient or participant or on the recipient's or 20952
participant's behalf against any third party who may be liable for 20953
the cost of medical assistance paid; 20954

(2) Institute and pursue legal proceedings against any third 20955
party who may be liable for the cost of medical assistance paid; 20956

(3) Initiate legal proceedings in conjunction with any 20957
injured, diseased, or disabled recipient or participant or the 20958
recipient's or participant's attorney or representative. 20959

(I) A recipient or participant shall not assess attorney 20960
fees, costs, or other expenses against the department of job and 20961
family services or a county department of job and family services 20962
when the department or county department enforces its right of 20963
recovery created by this section. 20964

(J) The right of recovery given to the department under this section does not include rights to support from any other person assigned to the state under sections 5107.20 and 5115.07 of the Revised Code, but includes payments made by a third party under contract with a person having a duty to support.

Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code:

(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.

(3) "Title IV-A administrative agency" means both of the following:

(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services;

(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:

(a) The Ohio works first program established under Chapter 5107. of the Revised Code;

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code; 20994
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(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code; 20998
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(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code; 21000
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(f) A component of a Title IV-A program identified under divisions (A)(4)(a) to (e) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component. 21002
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(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services. 21006
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(C) The department of job and family services shall do all of the following: 21015
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(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs; 21017
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(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (f) of this section; 21020
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- (3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs; 21025
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- (4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs; 21028
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- (5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program; 21032
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- (6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 21035
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- (7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, and 5101.803 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 21039
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- (8) Conduct investigations and audits as are necessary regarding Title IV-A programs; 21046
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- (9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents; 21048
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- (10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following: 21051
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(a) Examine issues of process, practice, impact, and outcomes;	21055 21056
(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;	21057 21058 21059 21060 21061 21062 21063 21064
(c) Provide the department with reports at times the department specifies.	21065 21066
(11) Not later than January 1, 2001, and the first <u>last</u> day of each January and July thereafter , prepare a report containing information on the following:	21067 21068 21069
(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.	21070 21071 21072
(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.	21073 21074 21075
(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.	21076 21077 21078 21079 21080 21081 21082
(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and	21083 21084 21085

information bearing thereon for the purposes of investigations 21086
conducted pursuant to this section. An authorized representative 21087
of a government entity or private, not-for-profit entity 21088
administering a project funded in whole or in part with funds 21089
provided under the Title IV-A demonstration program shall have 21090
access to all records and information bearing on the project for 21091
the purpose of investigations conducted pursuant to this section. 21092

Sec. 5104.02. (A) The director of job and family services is 21093
responsible for the licensing of child day-care centers and type A 21094
family day-care homes. Each entity operating a head start program 21095
shall meet the criteria for, and be licensed as, a child day-care 21096
center. The director is responsible for the enforcement of this 21097
chapter and of rules promulgated pursuant to this chapter. 21098

No person, firm, organization, institution, or agency shall 21099
operate, establish, manage, conduct, or maintain a child day-care 21100
center or type A family day-care home without a license issued 21101
under section 5104.03 of the Revised Code. The current license 21102
shall be posted in a conspicuous place in the center or type A 21103
home that is accessible to parents, custodians, or guardians and 21104
employees of the center or type A home at all times when the 21105
center or type A home is in operation. 21106

(B) A person, firm, institution, organization, or agency 21107
operating any of the following programs is exempt from the 21108
requirements of this chapter: 21109

(1) A program of child care that operates for two or less 21110
consecutive weeks; 21111

(2) Child care in places of worship during religious 21112
activities during which children are cared for while at least one 21113
parent, guardian, or custodian of each child is participating in 21114
such activities and is readily available; 21115

(3) Religious activities which do not provide child care;	21116
(4) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration;	21117 21118 21119 21120 21121 21122
(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;	21123 21124 21125 21126 21127 21128 21129
(6)(a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.	21130 21131 21132 21133 21134 21135
Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:	21136 21137 21138 21139 21140 21141 21142
(i) The site location of the program;	21143
(ii) The maximum number of infants, toddlers, preschool children, or school children served by the program at one time;	21144 21145
(iii) The number of adults providing child care for the	21146

number of infants, toddlers, preschool children, or school children; 21147
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(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director. 21149
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The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public. 21151
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(b) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter. 21155
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(7) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code. 21160
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(8) Any program providing child care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 21164
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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 21168
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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 21172
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(c) The program is conducted in a school building; 21175

(d) The program is operated in accordance with rules 21176

promulgated by the state board under sections 3301.52 to 3301.57 21177
of the Revised Code. 21178

(9) A youth development program operated outside of school 21179
hours by a community-based center to which all of the following 21180
apply: 21181

(a) The children enrolled in the program are under nineteen 21182
years of age and enrolled in or eligible to be enrolled in a grade 21183
of kindergarten or above. 21184

(b) The program provides informal child care and at least two 21185
of the following supervised activities: educational, recreational, 21186
culturally enriching, social, and personal development activities. 21187
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(c) ~~The state board of education has approved the program's~~ 21189
program is eligible for participation in the child and adult care 21190
food program as an outside-school-hours care center pursuant to 21191
standards established under section 3313.813 of the Revised Code. 21192

(d) The community-based center operating the program is 21193
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 21194
and (c)(3). 21195

Sec. 5104.041. (A) All type A and type B family day-care 21196
homes shall procure and maintain one of the following: 21197

(1) Liability insurance issued by an insurer authorized to do 21198
business in this state under Chapter 3905. of the Revised Code 21199
insuring the type A or type B family day-care home against 21200
liability arising out of, or in connection with, the operation of 21201
the family day-care home. Liability insurance procured under this 21202
division shall cover any cause for which the type A or type B 21203
family day-care home would be liable, in the amount of at least 21204
one hundred thousand dollars per occurrence and three hundred 21205
thousand dollars in the aggregate. 21206

(2) An affidavit signed by the parent, guardian, or custodian 21207
of each child receiving child care from the type A or type B 21208
family day-care home that states all of the following: 21209

(a) The family day-care home does not carry liability 21210
insurance described in division (A)(1) of this section; 21211

(b) If the licensee of a type A family day-care home or the 21212
provider of a type B family day-care home is not the owner of the 21213
real property where the family day-care home is located, the 21214
liability insurance, if any, of the owner of the real property may 21215
not provide for coverage of any liability arising out of, or in 21216
connection with, the operation of the family day-care home. 21217

(B) If the licensee of a type A family day-care home or the 21218
provider of a type B family day-care home is not the owner of the 21219
real property where the family day-care home is located and the 21220
family day-care home procures liability insurance described in 21221
division (A)(1) of this section, that licensee or provider shall 21222
name the owner of the real property as an additional insured party 21223
on the liability insurance policy if all of the following apply: 21224
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(1) The owner of the real property requests the licensee or 21226
provider, in writing, to add the owner of the real property to the 21227
liability insurance policy as an additional insured party. 21228

(2) The addition of the owner of the real property does not 21229
result in cancellation or nonrenewal of the insurance policy 21230
procured by the type A or type B family day-care home. 21231

(3) The owner of the real property pays any additional 21232
premium assessed for coverage of the owner of the real property. 21233

(C) Proof of insurance or affidavit required under division 21234
(A) of this section shall be maintained at the type A or type B 21235
family day-care home and made available for review during 21236
inspection or investigation as required under this chapter. 21237

(D) The director of job and family services shall adopt rules 21238
for the enforcement of this section. 21239

Sec. 5111.0210. Until July 1, 2009, the director of job and 21240
family services shall not change the medicaid reimbursement rates 21241
that apply to providers of durable medical equipment from the 21242
rates that are in effect on the effective date of this section. 21243

On and after July 1, 2009, the director shall establish 21244
medicaid reimbursement rates that apply to providers of durable 21245
medical equipment by using a cost analysis methodology. The 21246
methodology shall include a statistically valid sample of all 21247
types of durable medical equipment providers in this state, 21248
including providers that have a large volume of sales, providers 21249
that have a small volume of sales, and providers that operate 21250
predominantly in rural, suburban, or metropolitan areas. The 21251
statistical mean that is derived by using the cost analysis 21252
methodology shall be used by the director to establish the 21253
medicaid rates that apply to providers of durable medical 21254
equipment. 21255

Sec. 5111.032. (A) As used in this section: 21256

(1) "Criminal records check" has the same meaning as in 21257
section 109.572 of the Revised Code. 21258

(2) "Department" includes a designee of the department of job 21259
and family services. 21260

(3) "Owner" means a person who has an ownership interest in a 21261
provider in an amount designated by the department of job and 21262
family services in rules adopted under this section. 21263

(4) "Provider" means a person, institution, or entity that 21264
has a provider agreement with the department of job and family 21265
services pursuant to Title XIX of the "Social Security Act," 49 21266
State. 620 (1965), 42 U.S.C. 1396, as amended. 21267

(B)(1) Except as provided in division (B)(2) of this section, 21268
the department of job and family services may require that any 21269
provider, applicant to be a provider, employee or prospective 21270
employee of a provider, owner or prospective owner of a provider, 21271
officer or prospective officer of a provider, or board member or 21272
prospective board member of a provider submit to a criminal 21273
records check as a condition of obtaining a provider agreement, 21274
continuing to hold a provider agreement, being employed by a 21275
provider, having an ownership interest in a provider, or being an 21276
officer or board member of a provider. The department may 21277
designate the categories of persons who are subject to the 21278
criminal records check requirement. The department shall designate 21279
the times at which the criminal records checks must be conducted. 21280

(2) The section does not apply to providers, applicants to be 21281
providers, employees of a provider, or prospective employees of a 21282
provider who are subject to criminal records checks under section 21283
5111.033 or 5111.034 of the Revised Code. 21284

(C)(1) The department shall inform each provider or applicant 21285
to be a provider whether the provider or applicant is subject to a 21286
criminal records check requirement under division (B) of this 21287
section. For providers, the information shall be given at times 21288
designated in rules adopted under this section. For applicants to 21289
be providers, the information shall be given at the time of 21290
initial application. When the information is given, the department 21291
shall specify which of the provider's or applicant's employees or 21292
prospective employees, owners or prospective owners, officers or 21293
prospective officers, or board members or prospective board 21294
members are subject to the criminal records check requirement. 21295

(2) At times designated in rules adopted under this section, 21296
a provider that is subject to the criminal records check 21297
requirement shall inform each person specified by the department 21298
under division (C)(1) of this section that the person is required, 21299

as applicable, to submit to a criminal records check for final 21300
consideration for employment in a full-time, part-time, or 21301
temporary position; as a condition of continued employment; or as 21302
a condition of becoming or continuing to be an officer, board 21303
member or owner of a provider. 21304

(D)(1) If a provider or applicant to be a provider is subject 21305
to a criminal records check under this section, the department 21306
shall require the conduct of a criminal records check by the 21307
superintendent of the bureau of criminal identification and 21308
investigation. If a provider or applicant to be a provider for 21309
whom a criminal records check is required does not present proof 21310
of having been a resident of this state for the five-year period 21311
immediately prior to the date the criminal records check is 21312
requested or provide evidence that within that five-year period 21313
the superintendent has requested information about the individual 21314
from the federal bureau of investigation in a criminal records 21315
check, the department shall require the provider or applicant to 21316
request that the superintendent obtain information from the 21317
federal bureau of investigation as part of the criminal records 21318
check of the provider or applicant. Even if a provider or 21319
applicant for whom a criminal records check request is required 21320
presents proof of having been a resident of this state for the 21321
five-year period, the department may require that the provider or 21322
applicant request that the superintendent obtain information from 21323
the federal bureau of investigation and include it in the criminal 21324
records check of the provider or applicant. 21325

(2) A provider shall require the conduct of a criminal 21326
records check by the superintendent with respect to each of the 21327
persons specified by the department under division (C)(1) of this 21328
section. If the person for whom a criminal records check is 21329
required does not present proof of having been a resident of this 21330
state for the five-year period immediately prior to the date the 21331

criminal records check is requested or provide evidence that 21332
within that five-year period the superintendent of the bureau of 21333
criminal identification and investigation has requested 21334
information about the individual from the federal bureau of 21335
investigation in a criminal records check, the individual shall 21336
request that the superintendent obtain information from the 21337
federal bureau of investigation as part of the criminal records 21338
check of the individual. Even if an individual for whom a criminal 21339
records check request is required presents proof of having been a 21340
resident of this state for the five-year period, the department 21341
may require the provider to request that the superintendent obtain 21342
information from the federal bureau of investigation and include 21343
it in the criminal records check of the person. 21344

(E)(1) Criminal records checks required under this section 21345
for providers or applicants to be providers shall be obtained as 21346
follows: 21347

(a) The department shall provide each provider or applicant 21348
information about accessing and completing the form prescribed 21349
pursuant to division (C)(1) of section 109.572 of the Revised Code 21350
and the standard fingerprint impression sheet prescribed pursuant 21351
to division (C)(2) of that section. 21352

(b) The provider or applicant shall submit the required form 21353
and one complete set of fingerprint impressions directly to the 21354
superintendent for purposes of conducting the criminal records 21355
check using the applicable methods prescribed by division (C) of 21356
section 109.572 of the Revised Code. The applicant or provider 21357
shall pay all fees associated with obtaining the criminal records 21358
check. 21359

(c) The superintendent shall conduct the criminal records 21360
check in accordance with section 109.572 of the Revised Code. The 21361
provider or applicant shall instruct the superintendent to submit 21362
the report of the criminal records check directly to the director 21363

of job and family services. 21364

(2) Criminal records checks required under this section for 21365
persons specified by the department under division (C)(1) of this 21366
section shall be obtained as follows: 21367

(a) The provider shall give to each person subject to 21368
criminal records check requirement information about accessing and 21369
completing the form prescribed pursuant to division (C)(1) of 21370
section 109.572 of the Revised Code and the standard fingerprint 21371
impression sheet prescribed pursuant to division (C)(2) of that 21372
section. 21373

(b) The person shall submit the required form and one 21374
complete set of fingerprint impressions directly to the 21375
superintendent for purposes of conducting the criminal records 21376
check using the applicable methods prescribed by division (C) of 21377
section 109.572 of the Revised Code. The person shall pay all fees 21378
associated with obtaining the criminal records check. 21379

(c) The superintendent shall conduct the criminal records 21380
check in accordance with section 109.572 of the Revised Code. The 21381
person subject to the criminal records check shall instruct the 21382
superintendent to submit the report of the criminal records check 21383
directly to the provider. The department may require the provider 21384
to submit the report to the department. 21385

(F) If a provider or applicant to be a provider is given the 21386
information specified in division (E)(1)(a) of this section but 21387
fails to obtain a criminal records check, the department shall, as 21388
applicable, terminate the provider agreement or deny the 21389
application to be a provider. 21390

If a person is given the information specified in division 21391
(E)(2)(a) of this section but fails to obtain a criminal records 21392
check, the provider shall not, as applicable, permit the person to 21393
be an employee, owner, officer, or board member of the provider. 21394

(G) Except as provided in rules adopted under division (J) of this section, the department shall terminate the provider agreement of a provider or the department shall not issue a provider agreement to an applicant if the provider or applicant is subject to a criminal records check under this section and the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:

(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(2) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division ~~(D)~~(G)(1) of this section.

(H)(1)(a) Except as provided in rules adopted under division (J) of this section and subject to division (H)(2) of this section, no provider shall permit a person to be an employee,

owner, officer, or board member of the provider if the person is 21427
subject to a criminal records check under this section and the 21428
person has been convicted of, has pleaded guilty to, or has been 21429
found eligible for intervention in lieu of conviction for any of 21430
the offenses specified in division (G)(1) or (2) of this section. 21431

(b) No provider shall employ a person who has been excluded 21432
from participating in the medicaid program, the medicare program 21433
operated pursuant to Title XVIII of the "Social Security Act," or 21434
any other federal health care program. 21435

(2)(a) A provider may employ conditionally a person for whom 21436
a criminal records check is required under this section prior to 21437
obtaining the results of a criminal records check regarding the 21438
person, but only if the person submits a request for a criminal 21439
records check not later than five business days after the 21440
individual begins conditional employment. 21441

(b) A provider that employs a person conditionally under 21442
authority of division (H)(2)(a) of this section shall terminate 21443
the person's employment if the results of the criminal records 21444
check request are not obtained within the period ending sixty days 21445
after the date the request is made. Regardless of when the results 21446
of the criminal records check are obtained, if the results 21447
indicate that the individual has been convicted of, has pleaded 21448
guilty to, or has been found eligible for intervention in lieu of 21449
conviction for any of the offenses specified in division (G)(1) or 21450
(2) of this section, the provider shall terminate the person's 21451
employment unless the provider chooses to employ the individual 21452
pursuant to division (J) of this section. 21453

(I) The report of a criminal records check conducted pursuant 21454
to this section is not a public record for the purposes of section 21455
149.43 of the Revised Code and shall not be made available to any 21456
person other than the following: 21457

(1) The person who is the subject of the criminal records check or the person's representative;	21458 21459
(2) The director of job and family services and the staff of the department in the administration of the medicaid program;	21460 21461
(3) A court, hearing officer, or other necessary individual involved in a case dealing with the denial or termination of a provider agreement;	21462 21463 21464
(4) A court, hearing officer, or other necessary individual involved in a case dealing with a person's denial of employment, termination of employment, or employment or unemployment benefits.	21465 21466 21467
(J) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department may continue a provider agreement or issue a provider agreement to an applicant when the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. The rules may also specify circumstances under which a provider may permit a person to be an employee, owner, officer, or board member of the provider, when the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section.	21468 21469 21470 21471 21472 21473 21474 21475 21476 21477 21478 21479 21480
Sec. 5111.084. There is hereby established the pharmacy and therapeutics committee of the department of job and family services. The committee shall consist of nine <u>ten</u> members and shall be appointed by the director of job and family services. The membership of the committee shall include: three	21481 21482 21483 21484 21485
(A) <u>Three</u> pharmacists licensed under Chapter 4729. of the Revised Code; two	21486 21487

(B) Two doctors of medicine and two doctors of osteopathy licensed who hold certificates issued under Chapter 4731. of the Revised Code; a

(C) A registered nurse licensed under Chapter 4723. of the Revised Code; and a

(D) A pharmacologist who has a doctoral degree;

(E) A psychiatrist who holds a certificate issued under Chapter 4731. of the Revised Code and specializes in psychiatry.
~~At least one of the members who is a doctor of medicine or doctor of osteopathy shall be a psychiatrist. The~~

The committee shall elect one of its members as chairperson.

Sec. 5111.091. ~~Every three months~~ Not later than the first day of each calendar quarter, the director of job and family services shall submit a report to the president and minority leader of the senate ~~and,~~ speaker and minority leader of the house of representatives, and the chairpersons of the committees of the senate and house of representatives that hear bills making biennial appropriations on the establishment and implementation of programs designed to control the increase of the cost of the medicaid program, increase the efficiency of the medicaid program, and promote better health outcomes.

The report shall include information regarding all of the following:

(A) Provider network management;

(B) Electronic claims submission and payment systems;

(C) Limited provider contracts and payments based on performance;

(D) Efforts to enforce third party liability;

(E) Implementation of the medicaid information technology

<u>system;</u>	21517
<u>(F) Expansion of the medicaid data warehouse and decision support system;</u>	21518
<u>(G) Development of infrastructure policies for electronic health records and e-prescribing.</u>	21519
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Sec. 5111.31. (A) Every provider agreement with the provider of a nursing facility or intermediate care facility for the mentally retarded shall:	21522
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(1) Prohibit the provider from failing or refusing to retain as a patient any person because the person is, becomes, or may, as a patient in the facility, become a medicaid recipient. For the purposes of this division, a medicaid recipient who is a patient in a facility shall be considered a patient in the facility during any hospital stays totaling less than twenty-five days during any twelve-month period. Recipients who have been identified by the department of job and family services or its designee as requiring the level of care of an intermediate care facility for the mentally retarded shall not be subject to a maximum period of absences during which they are considered patients if prior authorization of the department for visits with relatives and friends and participation in therapeutic programs is obtained under rules adopted under section 5111.02 of the Revised Code.	21525
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(2) Except as provided by division (B)(1) of this section, include any part of the facility that meets standards for certification of compliance with federal and state laws and rules for participation in the medicaid program.	21539
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(3) Prohibit the provider from discriminating against any patient on the basis of race, color, sex, creed, or national origin.	21543
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(4) Except as otherwise prohibited under section 5111.55 of	21546

the Revised Code, prohibit the provider from failing or refusing 21547
to accept a patient because the patient is, becomes, or may, as a 21548
patient in the facility, become a medicaid recipient if less than 21549
eighty per cent of the patients in the facility are medicaid 21550
recipients. 21551

(B)(1) Except as provided by division (B)(2) of this section, 21552
the following are not required to be included in a provider 21553
agreement unless otherwise required by federal law: 21554

(a) Beds added during the period beginning July 1, 1987, and 21555
ending July 1, 1993, to a nursing home licensed under Chapter 21556
3721. of the Revised Code; 21557

(b) Beds in an intermediate care facility for the mentally 21558
retarded that are designated for respite care under a medicaid 21559
waiver component operated pursuant to a waiver sought under 21560
section 5111.87 of the Revised Code; 21561

~~(c) Beds that are converted to providing home and 21562
community based services under the ICF/MR conversion pilot program 21563
authorized by a waiver sought under division (B)(1) of section 21564
5111.88 of the Revised Code. 21565~~

(2) If a provider chooses to include a bed specified in 21566
division (B)(1)(a) of this section in a provider agreement, the 21567
bed may not be removed from the provider agreement unless the 21568
provider withdraws the facility in which the bed is located from 21569
the medicaid program. 21570

(C) Nothing in this section shall bar a provider that is a 21571
religious organization operating a religious or denominational 21572
nursing facility or intermediate care facility for the mentally 21573
retarded from giving preference to persons of the same religion or 21574
denomination. Nothing in this section shall bar any provider from 21575
giving preference to persons with whom the provider has contracted 21576
to provide continuing care. 21577

(D) Nothing in this section shall bar the provider of a 21578
county home organized under Chapter 5155. of the Revised Code from 21579
admitting residents exclusively from the county in which the 21580
county home is located. 21581

(E) No provider of a nursing facility or intermediate care 21582
facility for the mentally retarded for which a provider agreement 21583
is in effect shall violate the provider contract obligations 21584
imposed under this section. 21585

(F) Nothing in divisions (A) and (C) of this section shall 21586
bar a provider from retaining patients who have resided in the 21587
provider's facility for not less than one year as private pay 21588
patients and who subsequently become medicaid recipients, but 21589
refusing to accept as a patient any person who is or may, as a 21590
patient in the facility, become a medicaid recipient, if all of 21591
the following apply: 21592

(1) The provider does not refuse to retain any patient who 21593
has resided in the provider's facility for not less than one year 21594
as a private pay patient because the patient becomes a medicaid 21595
recipient, except as necessary to comply with division (F)(2) of 21596
this section; 21597

(2) The number of medicaid recipients retained under this 21598
division does not at any time exceed ten per cent of all the 21599
patients in the facility; 21600

(3) On July 1, 1980, all the patients in the facility were 21601
private pay patients. 21602

Sec. 5111.71. (A) As used in sections 5111.71 to 5111.715 of 21603
the Revised Code, "qualified medicaid school provider" means the 21604
board of education of a city, local, or exempted village school 21605
district, the governing authority of a community school 21606
established under Chapter 3314. of the Revised Code, the state 21607

school for the deaf, and the state school for the blind to which 21608
both of the following apply: 21609

(1) It holds a valid medicaid provider agreement. 21610

(2) It meets all other conditions for participation in the 21611
medicaid school component of the medicaid program established in 21612
rules adopted under section 5111.715 of the Revised Code. 21613

(B) The director of job and family services shall submit a 21614
state medicaid plan amendment to the United States secretary of 21615
health and human services for the purpose of creating, in 21616
accordance with sections 5111.71 to 5111.715 of the Revised Code, 21617
the medicaid school component of the medicaid program. The 21618
director shall create the medicaid school component on receipt of 21619
the United States secretary's approval of the amendment. 21620

Sec. 5111.711. A qualified medicaid school provider 21621
participating in the medicaid school component of the medicaid 21622
program may submit a claim to the department of job and family 21623
services for federal financial participation for providing, in 21624
schools, services covered by the medicaid school component to 21625
medicaid recipients who are eligible for the services. No 21626
qualified medicaid school provider may submit such a claim before 21627
the provider incurs the cost of providing the service. 21628

The claim shall include certification of the qualified 21629
medicaid school provider's expenditures for the service. The 21630
certification shall show that the money the qualified medicaid 21631
school provider used for the expenditures was nonfederal money the 21632
provider may legally use for providing the service and that the 21633
amount of the expenditures was sufficient to pay the full cost of 21634
the service. 21635

Except as otherwise provided in sections 5111.71 to 5111.715 21636
of the Revised Code and rules adopted under sections 5111.713 and 21637

5111.715 of the Revised Code, a qualified medicaid school provider 21638
is subject to all conditions of participation in the medicaid 21639
program that generally apply to providers of goods and services 21640
under the medicaid program, including conditions regarding audits 21641
and recovery of overpayments. 21642

Sec. 5111.712. The department of job and family services 21643
shall seek federal financial participation for each claim a 21644
qualified medicaid school provider properly submits to the 21645
department under section 5111.711 of the Revised Code. The 21646
department shall disburse the federal financial participation the 21647
department receives from the federal government for such a claim 21648
to the qualified medicaid school provider that submitted the 21649
claim. The department may not pay the qualified medicaid school 21650
provider the nonfederal share of the cost of the services for 21651
which the claim was submitted. 21652

Sec. 5111.713. The department of job and family services 21653
shall enter into an interagency agreement with the department of 21654
education under section 5111.91 of the Revised Code that provides 21655
for the department of education to administer the medicaid school 21656
component of the medicaid program other than the aspects of the 21657
component that sections 5111.71 to 5111.715 of the Revised Code 21658
require the department of job and family services to administer. 21659
The interagency agreement may include a provision that provides 21660
for the department of education to pay to the department of job 21661
and family services the nonfederal share of a portion of the 21662
administrative expenses the department of job and family services 21663
incurs in administering the aspects of the component that the 21664
department of job and family services administers. 21665

The department of education shall establish, in rules adopted 21666
under Chapter 119. of the Revised Code, a process by which 21667
qualified medicaid school providers participating in the medicaid 21668

school component pay to the department of education the nonfederal 21669
share of the department's expenses incurred in administering the 21670
component. 21671

Sec. 5111.714. (A) There is hereby created in the state 21672
treasury the medicaid school program administrative fund. 21673

(B) Both of the following shall be deposited into the 21674
medicaid school program administrative fund: 21675

(1) The federal funds the department of education receives 21676
for the expenses the department incurs in administering the 21677
medicaid school component of the medicaid program; 21678

(2) The money the department collects from qualified medicaid 21679
school providers in the process established in rules adopted under 21680
section 5111.713 of the Revised Code. 21681

(C) No funds shall be deposited into the medicaid school 21682
program administrative fund in violation of federal statutes or 21683
regulations. 21684

(D) The department of education shall use money in the 21685
medicaid school program administrative fund for both of the 21686
following purposes: 21687

(1) Paying for the expenses the department incurs in 21688
administering the medicaid school component of the medicaid 21689
program; 21690

(2) Paying a qualified medicaid school provider a refund for 21691
any overpayment the provider makes to the department under the 21692
process established in rules adopted under section 5111.713 of the 21693
Revised Code if the process results in an overpayment. 21694

Sec. 5111.715. The director of job and family services shall 21695
adopt rules under Chapter 119. of the Revised Code as necessary to 21696
implement the medicaid school component of the medicaid program, 21697

including rules that establish or specify all of the following: 21698

(A) Conditions a board of education of a city, local, or 21699
exempted school district, governing authority of a community 21700
school established under Chapter 3314. of the Revised Code, the 21701
state school for the deaf, and the state school for the blind must 21702
meet to participate in the component; 21703

(B) Services the component covers; 21704

(C) Reimbursement rates for the services the component 21705
covers. 21706

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 21707
of the Revised Code: 21708

"Home and community-based services" has the same meaning as 21709
in section 5123.01 of the Revised Code. 21710

"ICF/MR services" means intermediate care facility for the 21711
mentally retarded services covered by the medicaid program that an 21712
intermediate care facility for the mentally retarded provides to a 21713
resident of the facility who is a medicaid recipient eligible for 21714
medicaid-covered intermediate care facility for the mentally 21715
retarded services. 21716

"Intermediate care facility for the mentally retarded" means 21717
an intermediate care facility for the mentally retarded that is 21718
certified as in compliance with applicable standards for the 21719
medicaid program by the director of health in accordance with 21720
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 21721
U.S.C. 1396, as amended, and licensed as a residential facility 21722
under section 5123.19 of the Revised Code. 21723

"Residential facility" has the same meaning as in section 21724
5123.19 of the Revised Code. 21725

(B) For the purpose of increasing the number of slots 21726

available for home and community-based services and subject to 21727
sections 5111.877 and 5111.878 of the Revised Code, the operator 21728
of an intermediate care facility for the mentally retarded may 21729
convert all of the beds in the facility from providing ICF/MR 21730
services to providing home and community-based services if all of 21731
the following requirements are met: 21732

(1) The operator provides the directors of health, job and 21733
family services, and mental retardation and developmental 21734
disabilities at least ninety days' notice of the operator's intent 21735
to relinquish the facility's certification as an intermediate care 21736
facility for the mentally retarded and to begin providing home and 21737
community-based services. 21738

(2) The operator complies with the requirements of sections 21739
5111.65 to 5111.688 of the Revised Code regarding a voluntary 21740
termination as defined in section 5111.65 of the Revised Code if 21741
those requirements are applicable. 21742

(3) The operator notifies each of the facility's residents 21743
that the facility is to cease providing ICF/MR services and inform 21744
each resident that the resident may do either of the following: 21745

(a) Continue to receive ICF/MR services by transferring to 21746
another facility that is an intermediate care facility for the 21747
mentally retarded willing and able to accept the resident if the 21748
resident continues to qualify for ICF/MR services; 21749

(b) Begin to receive home and community-based services 21750
instead of ICF/MR services from any provider of home and 21751
community-based services that is willing and able to provide the 21752
services to the resident if the resident is eligible for the 21753
services and a slot for the services is available to the resident. 21754

(4) The operator meets the requirements for providing home 21755
and community-based services, including the following: 21756

(a) Such requirements applicable to a residential facility if 21757

the operator maintains the facility's license as a residential facility; 21758
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(b) Such requirements applicable to a facility that is not licensed as a residential facility if the operator surrenders the facility's residential facility license under section 5123.19 of the Revised Code. 21760
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(5) The director of mental retardation and developmental disabilities approves the conversion. 21764
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(C) The notice to the director of mental retardation and developmental disabilities under division (B)(1) of this section shall specify whether the operator wishes to surrender the facility's license as a residential facility under section 5123.19 of the Revised Code. 21766
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(D) If the director of mental retardation and developmental disabilities approves a conversion under division (B) of this section, the director of health shall terminate the certification of the intermediate care facility for the mentally retarded to be converted. The director of health shall notify the director of job and family services of the termination. On receipt of the director of health's notice, the director of job and family services shall terminate the operator's medicaid provider agreement that authorizes the operator to provide ICF/MR services at the facility. The operator is not entitled to notice or a hearing under Chapter 119. of the Revised Code before the director of job and family services terminates the medicaid provider agreement. 21771
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Sec. 5111.875. (A) For the purpose of increasing the number of slots available for home and community-based services and subject to sections 5111.877 and 5111.878 of the Revised Code, a person who acquires, through a request for proposals issued by the director of mental retardation and developmental disabilities, a 21784
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residential facility that is an intermediate care facility for the 21789
mentally retarded and for which the license as a residential 21790
facility was previously surrendered or revoked may convert some or 21791
all of the facility's beds from providing ICF/MR services to 21792
providing home and community-based services if all of the 21793
following requirements are met: 21794

(1) The person provides the directors of health, job and 21795
family services, and mental retardation and developmental 21796
disabilities at least ninety days' notice of the person's intent 21797
to make the conversion. 21798

(2) The person complies with the requirements of sections 21799
5111.65 to 5111.688 of the Revised Code regarding a voluntary 21800
termination as defined in section 5111.65 of the Revised Code if 21801
those requirements are applicable. 21802

(3) If the person intends to convert all of the facility's 21803
beds, the person notifies each of the facility's residents that 21804
the facility is to cease providing ICF/MR services and informs 21805
each resident that the resident may do either of the following: 21806

(a) Continue to receive ICF/MR services by transferring to 21807
another facility that is an intermediate care facility for the 21808
mentally retarded willing and able to accept the resident if the 21809
resident continues to qualify for ICF/MR services; 21810

(b) Begin to receive home and community-based services 21811
instead of ICF/MR services from any provider of home and 21812
community-based services that is willing and able to provide the 21813
services to the resident if the resident is eligible for the 21814
services and a slot for the services is available to the resident. 21815

(4) If the person intends to convert some but not all of the 21816
facility's beds, the person notifies each of the facility's 21817
residents that the facility is to convert some of its beds from 21818

providing ICF/MR services to providing home and community-based 21819
services and inform each resident that the resident may do either 21820
of the following: 21821

(a) Continue to receive ICF/MR services from any provider of 21822
ICF/MR services that is willing and able to provide the services 21823
to the resident if the resident continues to qualify for ICF/MR 21824
services; 21825

(b) Begin to receive home and community-based services 21826
instead of ICF/MR services from any provider of home and 21827
community-based services that is willing and able to provide the 21828
services to the resident if the resident is eligible for the 21829
services and a slot for the services is available to the resident. 21830

(5) The person meets the requirements for providing home and 21831
community-based services at a residential facility. 21832

(B) The notice provided to the directors under division 21833
(A)(1) of this section shall specify whether some or all of the 21834
facility's beds are to be converted. If some but not all of the 21835
beds are to be converted, the notice shall specify how many of the 21836
facility's beds are to be converted and how many of the beds are 21837
to continue to provide ICF/MR services. 21838

(C) On receipt of a notice under division (A)(1) of this 21839
section, the director of health shall do the following: 21840

(1) Terminate the certification of the intermediate care 21841
facility for the mentally retarded if the notice specifies that 21842
all of the facility's beds are to be converted; 21843

(2) Reduce the facility's certified capacity by the number of 21844
beds being converted if the notice specifies that some but not all 21845
of the beds are to be converted. 21846

(D) The director of health shall notify the director of job 21847
and family services of the termination or reduction under division 21848

(C) of this section. On receipt of the director of health's 21849
notice, the director of job and family services shall do the 21850
following: 21851

(1) Terminate the person's medicaid provider agreement that 21852
authorizes the person to provide ICF/MR services at the facility 21853
if the facility's certification was terminated; 21854

(2) Amend the person's medicaid provider agreement to reflect 21855
the facility's reduced certified capacity if the facility's 21856
certified capacity is reduced. 21857

The person is not entitled to notice or a hearing under 21858
Chapter 119. of the Revised Code before the director of job and 21859
family services terminates or amends the medicaid provider 21860
agreement. 21861

Sec. 5111.876. Subject to section 5111.877 of the Revised 21862
Code, the director of mental retardation and developmental 21863
disabilities may request that the director of job and family 21864
services seek the approval of the United States secretary of 21865
health and human services to increase the number of slots 21866
available for home and community-based services by a number not 21867
exceeding the number of beds that were part of the licensed 21868
capacity of a residential facility that had its license revoked or 21869
surrendered under section 5123.19 of the Revised Code if the 21870
residential facility was an intermediate care facility for the 21871
mentally retarded at the time of the license revocation or 21872
surrender. The revocation or surrender may have occurred before, 21873
or may occur on or after, the effective date of this section. The 21874
request may include beds the director removed from such a 21875
residential facility's licensed capacity before transferring 21876
ownership or operation of the residential facility pursuant to a 21877
request for proposals. 21878

Sec. 5111.877. The director of job and family services may 21879
seek approval from the United States secretary of health and human 21880
services for not more than a total of one hundred slots for home 21881
and community-based services for the purposes of sections 21882
5111.874, 5111.875, and 5111.876 of the Revised Code. 21883

Sec. 5111.878. Not more than a total of one hundred beds may 21884
be converted from providing ICF/MR services to providing home and 21885
community-based services under sections 5111.874 and 5111.875 of 21886
the Revised Code. 21887

Sec. 5111.879. No person or government entity may reconvert a 21888
bed to be used for ICF/MR services if the bed was converted to use 21889
for home and community-based services under section 5111.874 or 21890
5111.875 of the Revised Code. This prohibition applies regardless 21891
of either of the following: 21892

(A) The bed is part of the licensed capacity of a residential 21893
facility. 21894

(B) The bed has been sold, leased, or otherwise transferred 21895
to another person or government entity. 21896

Sec. 5111.8710. The directors of job and family services and 21897
mental retardation and developmental disabilities may adopt rules 21898
in accordance with Chapter 119. of the Revised Code as necessary 21899
to implement sections 5111.874 to 5111.8710 of the Revised Code. 21900

Sec. 5111.94. (A) As used in this section, "vendor offset" 21901
means a reduction of a medicaid payment to a medicaid provider to 21902
correct a previous, incorrect medicaid payment to that provider. 21903

(B) There is hereby created in the state treasury the health 21904
care services administration fund. Except as provided in division 21905
(C) of this section, all the following shall be deposited into the 21906

fund:	21907
(1) Amounts deposited into the fund pursuant to sections 5111.92 and 5111.93 of the Revised Code;	21908 21909
(2) The amount of the state share of all money the department of job and family services, in fiscal year 2003 and each fiscal year thereafter, recovers pursuant to a tort action under the department's right of recovery under section 5101.58 of the Revised Code that exceeds the state share of all money the department, in fiscal year 2002, recovers pursuant to a tort action under that right of recovery;	21910 21911 21912 21913 21914 21915 21916
(3) Subject to division (D) of this section, the amount of the state share of all money the department of job and family services, in fiscal year 2003 and each fiscal year thereafter, recovers through audits of medicaid providers that exceeds the state share of all money the department, in fiscal year 2002, recovers through such audits;	21917 21918 21919 21920 21921 21922
(4) Amounts from assessments on hospitals under section 5112.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5112.07 of the Revised Code that are deposited into the fund in accordance with the law;	21923 21924 21925 21926
<u>(5) Amounts that the department of education pays to the department of job and family services, if any, pursuant to an interagency agreement entered into under section 5111.713 of the Revised Code.</u>	21927 21928 21929 21930
(C) No funds shall be deposited into the health care services administration fund in violation of federal statutes or regulations.	21931 21932 21933
(D) In determining under division (B)(3) of this section the amount of money the department, in a fiscal year, recovers through audits of medicaid providers, the amount recovered in the form of vendor offset shall be excluded.	21934 21935 21936 21937

(E) The director of job and family services shall use funds 21938
available in the health care services administration fund to pay 21939
for costs associated with the administration of the medicaid 21940
program. 21941

Sec. 5111.941. ~~(A)~~ The medicaid revenue and collections fund 21942
is hereby created in the state treasury. Except as otherwise 21943
provided by statute or as authorized by the controlling board, ~~the~~ 21944
~~non-federal~~ both of the following shall be credited to the fund: 21945

(1) The nonfederal share of all medicaid-related revenues, 21946
collections, and recoveries ~~shall be credited to the fund;~~ 21947

(2) The monthly premiums charged under the children's buy-in 21948
program pursuant to section 5101.5213 of the Revised Code. The 21949

(B) The department of job and family services shall use money 21950
credited to the medicaid revenue and collections fund to pay for 21951
medicaid services and contracts and the children's buy-in program 21952
established under sections 5101.5211 to 5101.5216 of the Revised 21953
Code. 21954

Sec. 5112.31. The department of job and family services shall 21955
do all of the following: 21956

(A) For the ~~purpose of providing home and community based~~ 21957
~~services for mentally retarded and developmentally disabled~~ 21958
~~persons~~ purposes specified in sections 5112.37 and 5112.371 of the 21959
Revised Code, annually assess each intermediate care facility for 21960
the mentally retarded a franchise permit fee equal to ~~nine~~ eleven 21961
dollars and ~~sixty-three~~ ninety-eight cents multiplied, ~~except as~~ 21962
~~adjusted under section 5112.311 of the Revised Code~~, by the 21963
product of the following: 21964

(1) The number of beds certified under Title XIX of the 21965
"Social Security Act" on the first day of May of the calendar year 21966
in which the assessment is determined pursuant to division (A) of 21967

section 5112.33 of the Revised Code; 21968

(2) The number of days in the fiscal year beginning on the 21969
first day of July of the same calendar year. 21970

(B) Beginning July 1, ~~2007~~ 2009, and the first day of each 21971
July thereafter, adjust fees determined under division (A) of this 21972
section in accordance with the composite inflation factor 21973
established in rules adopted under section 5112.39 of the Revised 21974
Code. 21975

(C) If the United States secretary of health and human 21976
services determines that the franchise permit fee established by 21977
sections 5112.30 to 5112.39 of the Revised Code would be an 21978
impermissible health care-related tax under section 1903(w) of the 21979
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 21980
necessary actions to cease implementation of those sections in 21981
accordance with rules adopted under section 5112.39 of the Revised 21982
Code. 21983

Sec. 5112.37. ~~All~~ There is hereby created in the state 21984
treasury the home and community-based services for the mentally 21985
retarded and developmentally disabled fund. Ninety and sixty-one 21986
hundredths per cent of all installment payments and penalties paid 21987
by an intermediate care facility for the mentally retarded under 21988
sections 5112.33 and 5112.34 of the Revised Code shall be 21989
deposited into the ~~"home and community based services for the~~ 21990
~~mentally retarded and developmentally disabled fund," which is~~ 21991
~~hereby created in the state treasury.~~ The department of job and 21992
family services shall distribute the money in the fund in 21993
accordance with rules adopted under section 5112.39 of the Revised 21994
Code. The departments of job and family services and mental 21995
retardation and developmental disabilities shall use the money for 21996
the ~~medical assistance~~ medicaid program established under Chapter 21997
5111. of the Revised Code and home and community-based services to 21998

mentally retarded and developmentally disabled persons. 21999

Sec. 5112.371. There is hereby created in the state treasury 22000
the children with intensive behavioral needs programs fund. Nine 22001
and thirty-nine hundredths per cent of all installment payments 22002
and penalties paid by an intermediate care facility for the 22003
mentally retarded under sections 5112.33 and 5112.34 of the 22004
Revised Code shall be deposited in the fund. The money in the fund 22005
shall be used for the programs the director of mental retardation 22006
and developmental disabilities establishes under section 5123.0417 22007
of the Revised Code. 22008

Sec. 5123.0412. (A) The department of mental retardation and 22009
developmental disabilities shall charge each county board of 22010
mental retardation and developmental disabilities an annual fee 22011
equal to one and one-half per cent of the total value of all 22012
medicaid paid claims for ~~medicaid case management services and~~ 22013
home and community-based services provided during the year to an 22014
individual eligible for services from the county board. No county 22015
board shall pass the cost of a fee charged to the county board 22016
under this section on to another provider of these services. 22017

(B) The fees collected under this section shall be deposited 22018
into the ODMR/DD administration and oversight fund and the ODJFS 22019
administration and oversight fund, both of which are hereby 22020
created in the state treasury. The portion of the fees to be 22021
deposited into the ODMR/DD administration and oversight fund and 22022
the portion of the fees to be deposited into the ODJFS 22023
administration and oversight fund shall be the portion specified 22024
in an interagency agreement entered into under division (C) of 22025
this section. The department of mental retardation and 22026
developmental disabilities shall use the money in the ODMR/DD 22027
administration and oversight fund and the department of job and 22028
family services shall use the money in the ODJFS administration 22029

and oversight fund for both of the following purposes: 22030

(1) The administrative and oversight costs of medicaid case 22031
management services and home and community-based services. The 22032
administrative and oversight costs shall include costs for staff, 22033
systems, and other resources the departments need and dedicate 22034
solely to the following duties associated with the services: 22035

(a) Eligibility determinations; 22036

(b) Training; 22037

(c) Fiscal management; 22038

(d) Claims processing; 22039

(e) Quality assurance oversight; 22040

(f) Other duties the departments identify. 22041

(2) Providing technical support to county boards' local 22042
administrative authority under section 5126.055 of the Revised 22043
Code for the services. 22044

(C) The departments of mental retardation and developmental 22045
disabilities and job and family services shall enter into an 22046
interagency agreement to do both of the following: 22047

(1) Specify which portion of the fees collected under this 22048
section is to be deposited into the ODMR/DD administration and 22049
oversight fund and which portion is to be deposited into the ODJFS 22050
administration and oversight fund; 22051

(2) Provide for the departments to coordinate the staff whose 22052
costs are paid for with money in the ODMR/DD administration and 22053
oversight fund and the ODJFS administration and oversight fund. 22054

(D) The departments shall submit an annual report to the 22055
director of budget and management certifying how the departments 22056
spent the money in the ODMR/DD administration and oversight fund 22057
and the ODJFS administration and oversight fund for the purposes 22058

specified in division (B) of this section. 22059

Sec. 5123.0417. (A) Using funds available under section 22060
5112.371 of the Revised Code, the director of mental retardation 22061
and developmental disabilities shall establish one or more 22062
programs for individuals under twenty-one years of age who have 22063
intensive behavioral needs, including such individuals with a 22064
primary diagnosis of autism spectrum disorder. The programs may 22065
include one or more medicaid waiver components that the director 22066
administers pursuant to section 5111.871 of the Revised Code. The 22067
programs may do one or more of the following: 22068

(1) Establish models that incorporate elements common to 22069
effective intervention programs and evidence-based practices in 22070
services for children with intensive behavioral needs; 22071

(2) Design a template for individualized education plans and 22072
individual service plans that provide consistent intervention 22073
programs and evidence-based practices for the care and treatment 22074
of children with intensive behavioral needs; 22075

(3) Disseminate best practice guidelines for use by families 22076
of children with intensive behavioral needs and professionals 22077
working with such families; 22078

(4) Develop a transition planning model for effectively 22079
mainstreaming school-age children with intensive behavioral needs 22080
to their public school district; 22081

(5) Contribute to the field of early and effective 22082
identification and intervention programs for children with 22083
intensive behavioral needs by providing financial support for 22084
scholarly research and publication of clinical findings. 22085

(B) The director of mental retardation and developmental 22086
disabilities shall collaborate with the director of job and family 22087
services and consult with the executive director of the Ohio 22088

center for autism and low incidence and university-based programs 22089
that specialize in services for individuals with developmental 22090
disabilities when establishing programs under this section. 22091

Sec. 5123.196. (A) Except as provided in division ~~(F)~~(E) of 22092
this section, the director of mental retardation and developmental 22093
disabilities shall not issue a license under section 5123.19 of 22094
the Revised Code on or after July 1, 2003, if issuance will result 22095
in there being more beds in all residential facilities licensed 22096
under that section than is permitted under division (B) of this 22097
section. 22098

(B) ~~Except as provided in division (D) of this section, the~~ 22099
The maximum number of beds for the purpose of division (A) of this 22100
section shall not exceed ten thousand eight hundred thirty-eight 22101
minus, except as provided in division (C) of this section, both of 22102
the following: 22103

(1) The number of such beds that cease to be residential 22104
facility beds on or after July 1, 2003, because a residential 22105
facility license is revoked, terminated, or not renewed for any 22106
reason or is surrendered in accordance with section 5123.19 of the 22107
Revised Code ~~and after the issuance of an adjudication order~~ 22108
~~pursuant to Chapter 119. of the Revised Code;~~ 22109

(2) The number of such beds for which a licensee voluntarily 22110
converts to use for supported living on or after July 1, 2003. 22111

(C) The director is not required to reduce the maximum number 22112
of beds pursuant to division (B) of this section by a bed that 22113
ceases to be a residential facility bed if the director determines 22114
that the bed is needed to provide services to an individual with 22115
mental retardation or a developmental disability who resided in 22116
the residential facility in which the bed was located ~~unless the~~ 22117
~~reason the bed ceases to be a residential facility bed is because~~ 22118
~~it is converted to providing home and community based services~~ 22119

~~under the ICF/MR conversion pilot program that is authorized by a~~ 22120
~~waiver sought under division (B)(1) of section 5111.88 of the~~ 22121
~~Revised Code.~~ 22122

~~(D) The director shall increase the number of beds determined~~ 22123
~~under division (B) of this section if necessary to enable the~~ 22124
~~operator of a residential facility to do either of the following:~~ 22125

~~(1) Obtain a residential facility license as required by~~ 22126
~~section 5111.8814 of the Revised Code;~~ 22127

~~(2) Reconvert beds to providing ICF/MR services under section~~ 22128
~~5111.8811 of the Revised Code.~~ 22129

~~(E)~~ The director shall maintain an up-to-date written record 22130
of the maximum number of residential facility beds provided for by 22131
division (B) of this section. 22132

~~(F)~~(E) The director may issue an interim license under 22133
division (S) of section 5123.19 of the Revised Code and issue, 22134
pursuant to rules adopted under division (H)(11) of that section, 22135
a waiver allowing a residential facility to admit more residents 22136
than the facility is licensed to admit regardless of whether the 22137
interim license or waiver will result in there being more beds in 22138
all residential facilities licensed under that section than is 22139
permitted under division (B) of this section. 22140

Sec. 5123.36. (A) To the extent funds are available and on 22141
application by a county board of mental retardation and 22142
developmental disabilities or private nonprofit agency 22143
incorporated to provide mental retardation or developmental 22144
disability services, the director of mental retardation and 22145
developmental disabilities may enter into an agreement with the 22146
county board or agency to assist the county board or agency with a 22147
mental retardation or developmental disability construction 22148
project. Except as provided by division (B) of this section, the 22149

director may provide up to ninety per cent of the total project 22150
cost where circumstances warrant. The director may, where 22151
circumstances warrant, use existing facilities or other in-kind 22152
match for the local share of the communities' share of the cost. 22153

(B) Upon the recommendation of the director, for projects of 22154
the highest priority of the department of mental retardation and 22155
developmental disabilities, the controlling board may authorize 22156
the director to provide more than ninety per cent of the total 22157
cost of a project under this section. 22158

(C) A county board is eligible for funds under this section 22159
for a project bid on or after January 1, 1992, under either 22160
section 153.07 or 307.86 of the Revised Code, as long as all other 22161
applicable requirements were followed. 22162

(D) A private nonprofit agency that receives funds pursuant 22163
to this section for the construction of a single-family home, 22164
including, where appropriate, the acquisition and installation of 22165
a single-family home fabricated in an off-site facility, is not 22166
subject to the requirements of Chapter 153. of the Revised Code 22167
with respect to the construction project, notwithstanding any 22168
provision of that chapter to the contrary. 22169

(E) The director may not assist a project under this section 22170
unless the controlling board or director of budget and management 22171
also approves the project pursuant to section 126.14 of the 22172
Revised Code. 22173

Sec. 5501.09. (A) There is hereby created within the division 22174
of multi-modal planning and programs the office of maritime 22175
transportation. The director of transportation shall assign to the 22176
office such duties, powers, and functions relating to state 22177
maritime transportation issues and activities as the director 22178
determines. 22179

(B) In addition to those duties, powers, and functions the 22180
director assigns to it, the office of maritime transportation 22181
shall exercise and perform such other duties, powers, and 22182
functions as are assigned to it by law. 22183

Sec. 5502.68. (A) There is hereby created in the state 22184
treasury the drug law enforcement fund. Three dollars and fifty 22185
cents out of each ten-dollar court cost imposed pursuant to 22186
section 2949.094 of the Revised Code shall be credited to the 22187
fund. Money in the fund shall be in an interest-bearing account, 22188
and all interest earned shall be credited to the fund. Money in 22189
the fund shall be used only in accordance with this section to 22190
award grants to counties, municipal corporations, townships, 22191
township police districts, and joint township police districts to 22192
defray the expenses that a drug task force organized in the 22193
county, or in the county in which the municipal corporation, 22194
township, or district is located, incurs in performing its 22195
functions related to the enforcement of the state's drug laws and 22196
other state laws related to illegal drug activity. 22197

The division of criminal justice services shall administer 22198
all money deposited into the drug law enforcement fund and, by 22199
rule adopted under Chapter 119. of the Revised Code, shall 22200
establish procedures for a county, municipal corporation, 22201
township, township police district, or joint township police 22202
district to apply for money from the fund to defray the expenses 22203
that a drug task force organized in the county, or in the county 22204
in which the municipal corporation, township, or district is 22205
located, incurs in performing its functions related to the 22206
enforcement of the state's drug laws and other state laws related 22207
to illegal drug activity, procedures and criteria for determining 22208
eligibility of applicants to be provided money from the fund, and 22209
procedures and criteria for determining the amount of money to be 22210
provided out of the fund to eligible applicants. 22211

(B) The procedures and criteria established under division 22212
(A) of this section for applying for money from the fund shall 22213
include, but shall not be limited to, a provision requiring a 22214
county, municipal corporation, township, township police district, 22215
or joint township police district that applies for money from the 22216
fund to specify in its application the amount of money desired 22217
from the fund, provided that the cumulative amount requested in 22218
all applications submitted for any single drug task force may not 22219
exceed more than two hundred fifty thousand dollars in any 22220
calendar year for that task force. 22221

(C) The procedures and criteria established under division 22222
(A) of this section for determining eligibility of applicants to 22223
be provided money from the fund and for determining the amount of 22224
money to be provided out of the fund to eligible applicants shall 22225
include, but not be limited to, all of the following: 22226

(1) Provisions requiring that, in order to be eligible to be 22227
provided money from the fund, a drug task force that applies for 22228
money from the fund must provide evidence that the drug task force 22229
will receive a local funding match of at least twenty-five per 22230
cent of the task force's projected operating costs in the period 22231
of time covered by the grant; 22232

(2) Provisions requiring that money from the fund be 22233
allocated and provided to drug task forces that apply for money 22234
from the fund in accordance with the following priorities: 22235

(a) Drug task forces that apply, that are in existence on the 22236
date of the application, and that are determined to be eligible 22237
applicants, and to which either of the following applies shall be 22238
given first priority to be provided money from the fund: 22239

(i) Drug task forces that received funding through the 22240
division of criminal justice services in calendar year 2007; 22241

(ii) Drug task forces in a county that has a population that 22242

exceeds seven hundred fifty thousand. 22243

(b) If any moneys remain in the fund after all drug task forces that apply, that are in existence on the date of the application, that are determined to be eligible applicants, and that satisfy the criteria set forth in division (C)(2)(a)(i) or (ii) of this section are provided money from the fund as described in division (C)(2)(a) of this section, the following categories of drug task forces that apply and that are determined to be eligible applicants shall be given priority to be provided money from the fund in the order in which they apply for money from the fund: 22244
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(i) Drug task forces that are not in existence on the date of the application; 22254
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(ii) Drug task forces that are in existence on the date of the application but that do not satisfy the criteria set forth in division (C)(2)(a)(i) or (ii) of this section. 22256
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(D) The procedures and criteria established under division (A) of this section for determining the amount of money to be provided out of the fund to eligible applicants shall include, but shall not be limited to, a provision specifying that the cumulative amount provided to any single drug task force may not exceed more than two hundred fifty thousand dollars in any calendar year. 22259
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(E) As used in this section "drug task force" means a drug task force organized in any county by the sheriff of the county, the prosecuting attorney of the county, the chief of police of the organized police department of any municipal corporation or township in the county, and the chief of police of the police force of any township police district or joint township police district in the county to perform functions related to the enforcement of state drug laws and other state laws related to 22266
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illegal drug activity. 22274

Sec. 5513.01. (A) All purchases of machinery, materials, 22275
supplies, or other articles that the director of transportation 22276
makes shall be in the manner provided in this section. In all 22277
cases except those in which the director provides written 22278
authorization for purchases by district deputy directors of 22279
transportation, all such purchases shall be made at the central 22280
office of the department of transportation in Columbus. Before 22281
making any purchase at that office, the director, as provided in 22282
this section, shall give notice to bidders of the director's 22283
intention to purchase. Where the expenditure does not exceed the 22284
amount applicable to the purchase of supplies specified in 22285
division (B) of section 125.05 of the Revised Code, as adjusted 22286
pursuant to division (D) of that section, the director shall give 22287
such notice as the director considers proper, or the director may 22288
make the purchase without notice. Where the expenditure exceeds 22289
the amount applicable to the purchase of supplies specified in 22290
division (B) of section 125.05 of the Revised Code, as adjusted 22291
pursuant to division (D) of that section, the director shall give 22292
notice by posting for not less than ten days a written, typed, or 22293
printed invitation to bidders on a bulletin board, which shall be 22294
located in a place in the offices assigned to the department and 22295
open to the public during business hours. Producers or 22296
distributors of any product may notify the director, in writing, 22297
of the class of articles for the furnishing of which they desire 22298
to bid and their post-office addresses, in which case copies of 22299
all invitations to bidders relating to the purchase of such 22300
articles shall be mailed to such persons by the director by 22301
regular first class mail at least ten days prior to the time fixed 22302
for taking bids. The director also may mail copies of all 22303
invitations to bidders to news agencies or other agencies or 22304
organizations distributing information of this character. Requests 22305

for invitations shall not be valid nor require action by the 22306
director unless renewed, either annually or after such shorter 22307
period as the director may prescribe by a general rule. The 22308
invitation to bidders shall contain a brief statement of the 22309
general character of the article that it is intended to purchase, 22310
the approximate quantity desired, and a statement of the time and 22311
place where bids will be received, and may relate to and describe 22312
as many different articles as the director thinks proper, it being 22313
the intent and purpose of this section to authorize the inclusion 22314
in a single invitation of as many different articles as the 22315
director desires to invite bids upon at any given time. 22316
Invitations issued during each calendar year shall be given 22317
consecutive numbers, and the number assigned to each invitation 22318
shall appear on all copies thereof. In all cases where notice is 22319
required by this section, sealed bids shall be taken, on forms 22320
prescribed and furnished by the director, and modification of bids 22321
after they have been opened shall not be permitted. 22322

(B) The director may permit the Ohio turnpike commission, any 22323
political subdivision, and any state university or college to 22324
participate in contracts into which the director has entered for 22325
the purchase of machinery, materials, supplies, or other articles. 22326
~~Any~~ The turnpike commission and any political subdivision or state 22327
university or college desiring to participate in such purchase 22328
contracts shall file with the director a certified copy of the 22329
bylaws or rules of the turnpike commission or the ordinance or 22330
resolution of ~~its~~ the legislative authority, board of trustees, or 22331
other governing board requesting authorization to participate in 22332
such contracts and agreeing to be bound by such terms and 22333
conditions as the director prescribes. Purchases made by the 22334
turnpike commission, political subdivisions, or state universities 22335
or colleges under this division are exempt from any competitive 22336
bidding required by law for the purchase of machinery, materials, 22337
supplies, or other articles. 22338

(C) As used in this section: 22339

(1) "Political subdivision" means any county, township, 22340
municipal corporation, conservancy district, township park 22341
district, park district created under Chapter 1545. of the Revised 22342
Code, port authority, regional transit authority, regional airport 22343
authority, regional water and sewer district, or county transit 22344
board. 22345

(2) "State university or college" has the same meaning as in 22346
division (A)(1) of section 3345.32 of the Revised Code. 22347

(3) "Ohio turnpike commission" means the commission created 22348
by section 5537.02 of the Revised Code. 22349

Sec. 5525.01. Before entering into a contract the director of 22350
transportation shall advertise for bids for two consecutive weeks 22351
in one newspaper of general circulation published in the county in 22352
which the improvement or part thereof is located, but if there is 22353
no such newspaper then in one newspaper having general circulation 22354
in an adjacent county. The director may advertise for bids in such 22355
other publications as the director considers advisable. Such 22356
notices shall state that plans and specifications for the 22357
improvement are on file in the office of the director and the 22358
district deputy director of the district in which the improvement 22359
or part thereof is located and the time within which bids therefor 22360
will be received. 22361

Each bidder shall be required to file with the bidder's bid a 22362
bid guaranty in the form of a certified check ~~or~~, a cashier's 22363
check, or an electronic funds transfer to the treasurer of state 22364
that is evidenced by a receipt or by a certification to the 22365
director of transportation in a form prescribed by the director 22366
that an electronic funds transfer has been made to the treasurer 22367
of state, for an amount equal to five per cent of the bidder's 22368
bid, but in no event more than fifty thousand dollars, or a bid 22369

bond for ten per cent of the bidder's bid, payable to the 22370
director, which check, transferred sum, or bond shall be forthwith 22371
returned to the bidder in case the contract is awarded to another 22372
bidder, or, in case of a successful bidder, when the bidder has 22373
entered into a contract and furnished the bonds required by 22374
section 5525.16 of the Revised Code. In the event the contract is 22375
awarded to a bidder, and the bidder fails or refuses to furnish 22376
the bonds as required by section 5525.16 of the Revised Code, the 22377
check, transferred sum, or bid bond filed with the bidder's bid 22378
shall be forfeited as liquidated damages. No bidder shall be 22379
required either to file a signed contract with the bidder's bid, 22380
to enter into a contract, or to furnish the contract performance 22381
bond and the payment bond required by that section until the bids 22382
have been opened and the bidder has been notified by the director 22383
that the bidder is awarded the contract. 22384

The director shall permit a bidder to withdraw the bidder's 22385
bid from consideration, without forfeiture of the ~~certified~~ check, 22386
transferred sum, or bid bond filed with the bid, providing a 22387
written request together with a sworn statement of the grounds for 22388
such withdrawal is delivered within forty-eight hours after the 22389
time established for the receipt of bids, and if the price bid was 22390
substantially lower than the other bids, providing the bid was 22391
submitted in good faith, and the reason for the price bid being 22392
substantially lower was a clerical mistake evident on the face of 22393
the bid, as opposed to a judgment mistake, and was actually due to 22394
an unintentional and substantial arithmetic error or an 22395
unintentional omission of a substantial quantity of work, labor, 22396
or material made directly in the compilation of the bid. In the 22397
event the director decides the conditions for withdrawal have not 22398
been met, the director may award the contract to such bidder. If 22399
such bidder does not then enter into a contract and furnish the 22400
contract bond as required by law, the director may declare 22401
forfeited the ~~certified~~ check, transferred sum, or bid bond as 22402

liquidated damages and award the contract to the next higher 22403
bidder or reject the remaining bids and readvertise the project 22404
for bids. Such bidder may, within thirty days, appeal the decision 22405
of the director to the court of common pleas of Franklin county 22406
and the court may affirm or reverse the decision of the director 22407
and may order the director to refund the amount of the forfeiture. 22408
At the hearing before the common pleas court evidence may be 22409
introduced for and against the decision of the director. The 22410
decision of the common pleas court may be appealed as in other 22411
cases. 22412

There is hereby created the ODOT letting fund, which shall be 22413
in the custody of the treasurer of state but shall not be part of 22414
the state treasury. All certified checks and cashiers' checks 22415
received with bidders' bids, and all sums transferred to the 22416
treasurer of state by electronic funds transfer in connection with 22417
bidders' bids, under this section shall be credited to the fund. 22418
All such bid guaranties shall be held in the fund until a 22419
determination is made as to the final disposition of the money. If 22420
the department determines that any such bid guaranty is no longer 22421
required to be held, the amount of the bid guaranty shall be 22422
returned to the appropriate bidder. If the department determines 22423
that a bid guaranty under this section shall be forfeited, the 22424
amount of the bid guaranty shall be transferred or, in the case of 22425
money paid on a forfeited bond, deposited into the state treasury, 22426
to the credit of the highway operating fund. Any investment 22427
earnings of the ODOT letting fund shall be distributed as the 22428
treasurer of state considers appropriate. 22429

The director shall require all bidders to furnish the 22430
director, upon such forms as the director may prescribe, detailed 22431
information with respect to all pending work of the bidder, 22432
whether with the department of transportation or otherwise, 22433
together with such other information as the director considers 22434

necessary. 22435

In the event a bidder fails to submit anything required to be 22436
submitted with the bid and then fails or refuses to so submit such 22437
at the request of the director, the failure or refusal constitutes 22438
grounds for the director, in the director's discretion, to declare 22439
as forfeited the bid guaranty submitted with the bid. 22440

The director may reject any or all bids. Except in regard to 22441
contracts for environmental remediation and specialty work for 22442
which there are no classes of work set out in the rules adopted by 22443
the director, if the director awards the contract, the director 22444
shall award it to the lowest competent and responsible bidder as 22445
defined by rules adopted by the director under section 5525.05 of 22446
the Revised Code, who is qualified to bid under sections 5525.02 22447
to 5525.09 of the Revised Code. In regard to contracts for 22448
environmental remediation and specialty work for which there are 22449
no classes of work set out in the rules adopted by the director, 22450
the director shall competitively bid the projects in accordance 22451
with this chapter and shall award the contracts to the lowest and 22452
best bidder. 22453

The award for all projects competitively let by the director 22454
under this section shall be made within ten days after the date on 22455
which the bids are opened, and the successful bidder shall enter 22456
into a contract and furnish a contract performance bond and a 22457
payment bond, as provided for in section 5525.16 of the Revised 22458
Code, within ten days after the bidder is notified that the bidder 22459
has been awarded the contract. 22460

The director may insert in any contract awarded under this 22461
chapter a clause providing for value engineering change proposals, 22462
under which a contractor who has been awarded a contract may 22463
propose a change in the plans and specifications of the project 22464
that saves the department time or money on the project without 22465
impairing any of the essential functions and characteristics of 22466

the project such as service life, reliability, economy of 22467
operation, ease of maintenance, safety, and necessary standardized 22468
features. If the director adopts the value engineering proposal, 22469
the savings from the proposal shall be divided between the 22470
department and the contractor according to guidelines established 22471
by the director, provided that the contractor shall receive at 22472
least fifty per cent of the savings from the proposal. The 22473
adoption of a value engineering proposal does not invalidate the 22474
award of the contract or require the director to rebid the 22475
project. 22476

Sec. 5533.94. In addition to the designation in section 22477
5533.35 of the Revised Code, the road known as interstate highway 22478
number ninety, located within the municipal corporation of 22479
Willoughby Hills in Lake county only, shall be known as the "Cpl. 22480
Joshua Harmon Memorial Highway." 22481

The director of transportation may erect suitable markers 22482
along the highway indicating its name. 22483

Sec. 5703.19. (A) To carry out the purposes of the laws that 22484
the tax commissioner is required to administer, the commissioner 22485
or any person employed by the commissioner for that purpose, upon 22486
demand, may inspect books, accounts, records, and memoranda of any 22487
person or public utility subject to those laws, and may examine 22488
under oath any officer, agent, or employee of that person or 22489
public utility. Any person other than the commissioner who makes a 22490
demand pursuant to this section shall produce the person's 22491
authority to make the inspection. 22492

(B) If a person or public utility receives at least ten days' 22493
written notice of a demand made under division (A) of this section 22494
and refuses to comply with that demand, a penalty of five hundred 22495
dollars shall be imposed upon the person or public utility for 22496

each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 5747., 5749., or ~~5753.~~ 5751., or sections 3734.90 to 3734.9014, of the Revised Code.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be

disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal auditing in the office of budget and management charged with conducting the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal auditing.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal auditing solely for purposes of an audit of the department.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to

section 3125.43 of the Revised Code; 22560

(3) Disclosing to the board of motor vehicle collision repair 22561
registration any information in the possession of the department 22562
that is necessary for the board to verify the existence of an 22563
applicant's valid vendor's license and current state tax 22564
identification number under section 4775.07 of the Revised Code; 22565

(4) Providing information to the administrator of workers' 22566
compensation pursuant to sections 4123.271 and 4123.591 of the 22567
Revised Code; 22568

(5) Providing to the attorney general information the 22569
department obtains under division (J) of section 1346.01 of the 22570
Revised Code; 22571

(6) Permitting properly authorized officers, employees, or 22572
agents of a municipal corporation from inspecting reports or 22573
information pursuant to rules adopted under section 5745.16 of the 22574
Revised Code; 22575

(7) Providing information regarding the name, account number, 22576
or business address of a holder of a vendor's license issued 22577
pursuant to section 5739.17 of the Revised Code, a holder of a 22578
direct payment permit issued pursuant to section 5739.031 of the 22579
Revised Code, or a seller having a use tax account maintained 22580
pursuant to section 5741.17 of the Revised Code, or information 22581
regarding the active or inactive status of a vendor's license, 22582
direct payment permit, or seller's use tax account; 22583

(8) Releasing invoices or invoice information furnished under 22584
section 4301.433 of the Revised Code pursuant to that section; 22585

(9) Providing to a county auditor notices or documents 22586
concerning or affecting the taxable value of property in the 22587
county auditor's county. Unless authorized by law to disclose 22588
documents so provided, the county auditor shall not disclose such 22589
documents; 22590

(10) Providing to a county auditor sales or use tax return or
audit information under section 333.06 of the Revised Code; 22591
22592

(11) Disclosing to the department of natural resources 22593
information in the possession of the department that is necessary 22594
to verify the taxpayer's compliance with division (A)(1), (8), or 22595
(9) of section 5749.02 of the Revised Code. 22596

Sec. 5703.57. (A) As used in this section, "Ohio business 22597
gateway" has the same meaning as in section 718.051 of the Revised 22598
Code. 22599

(B) There is hereby created the Ohio business gateway 22600
steering committee to direct the continuing development of the 22601
Ohio business gateway and to oversee its operations. The committee 22602
shall provide general oversight regarding operation of the Ohio 22603
business gateway and shall recommend to the department of 22604
administrative services enhancements that will improve the Ohio 22605
business gateway. The committee shall consider all banking, 22606
technological, administrative, and other issues associated with 22607
the Ohio business gateway and shall make recommendations regarding 22608
the type of reporting forms or other tax documents to be filed 22609
through the Ohio business gateway. 22610

(C) The committee shall consist of: 22611

(1) The following members, appointed by the governor with the 22612
advice and consent of the senate: 22613

(a) Not more than two representatives of the business 22614
community; 22615

(b) Not more than three representatives of municipal tax 22616
administrators; and 22617

(c) Not more than two tax practitioners. 22618

(2) The following ex officio members: 22619

(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;	22620 22621 22622 22623
(b) The secretary of state or the secretary of state's designee;	22624 22625
(c) The treasurer of state or the treasurer of state's designee;	22626 22627
(d) The director of budget and management or the director's designee;	22628 22629
(e) The director of the office of information technology <u>state chief information officer</u> or the director's <u>officer's</u> designee; and	22630 22631 22632
(f) The tax commissioner or the tax commissioner's designee; <u>and</u>	22633 22634
<u>(g) The director of development or the director's designee.</u>	22635
An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same manner as original appointments.	22636 22637 22638
(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority of the members of the committee is necessary for any action to be taken by the committee. On request, each member of the committee shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties.	22639 22640 22641 22642 22643 22644 22645 22646 22647
(E) The committee is a part of the department of taxation for administrative purposes.	22648 22649

(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee.

(G) The committee shall hire professional, technical, and clerical staff needed to support its activities.

(H) The committee shall meet as often as necessary to perform its duties.

Sec. 5703.82. (A) Not later than April 1, 2009, the department of taxation shall acquire the necessary hardware, software, and services to establish and implement a tax discovery data system to increase the efficiency of tax collections in the state. The system must be fully integrated and pre-staged for the purposes of assisting in revenue analysis, discovering noncompliant taxpayers, and collecting taxes from those taxpayers. The system shall consolidate tax data from various mainframe systems and operate as a single tax discovery data system. The department shall contract, pursuant to a competitive bidding process, for the necessary hardware, software, and services to implement the tax discovery data system.

(B) There is hereby created in the state treasury the discovery project fund. All money to the credit of the fund shall be used to pay the costs of implementing and operating the tax discovery data system and to defray the costs incurred by the department of taxation in administering the system.

(C) Beginning July 1, 2009, on or before the first day of January, April, July, and October of each calendar year, the tax commissioner shall determine and certify to the director of budget and management the amount needed to pay the costs of operating the

tax discovery data system in the previous calendar quarter and the 22681
costs incurred in the previous calendar quarter by the department 22682
of taxation in administering the system. The director shall 22683
provide for payment from the general revenue fund to the discovery 22684
project fund of the amount so certified. 22685

Sec. 5705.194. The board of education of any city, local, 22686
exempted village, cooperative education, or joint vocational 22687
school district at any time may declare by resolution that the 22688
revenue that will be raised by all tax levies which the district 22689
is authorized to impose, when combined with state and federal 22690
revenues, will be insufficient to provide for the emergency 22691
requirements of the school district or to avoid an operating 22692
deficit, and that it is therefore necessary to levy an additional 22693
tax in excess of the ten-mill limitation. The resolution shall be 22694
confined to a single purpose and shall specify that purpose. If 22695
the levy is proposed to renew all or a portion of the proceeds 22696
derived from one or more existing levies imposed pursuant to this 22697
section, it shall be called a renewal levy and shall be so 22698
designated on the ballot. If two or more existing levies are to be 22699
included in a single renewal levy but are not scheduled to expire 22700
in the same year, the resolution shall specify that the existing 22701
levies to be renewed shall not be levied after the year preceding 22702
the year in which the renewal levy is first imposed. 22703
Notwithstanding the original purpose of any one or more existing 22704
levies that are to be in any single renewal levy, the purpose of 22705
the renewal levy may be either to avoid an operating deficit or to 22706
provide for the emergency requirements of the school district. The 22707
resolution shall further specify the amount of money it is 22708
necessary to raise for the specified purpose for each calendar 22709
year the millage is to be imposed; if a renewal levy, whether the 22710
levy is to renew all, or a portion of, the proceeds derived from 22711
one or more existing levies; and the number of years in which the 22712

millage is to be in effect, which may include a levy upon the 22713
current year's tax list. The number of years may be any number not 22714
exceeding ~~five~~ ten. 22715

The question shall be submitted at a special election on a 22716
date specified in the resolution. The date shall not be earlier 22717
than eighty days after the adoption and certification of the 22718
resolution to the county auditor and shall be consistent with the 22719
requirements of section 3501.01 of the Revised Code. A resolution 22720
for a renewal levy shall not be placed on the ballot unless the 22721
question is submitted on a date on which a special election may be 22722
held under division (D) of section 3501.01 of the Revised Code, 22723
except for the first Tuesday after the first Monday in February 22724
and August, during the last year the levy to be renewed may be 22725
extended on the real and public utility property tax list and 22726
duplicate, or at any election held in the ensuing year, except 22727
that if the resolution proposes renewing two or more existing 22728
levies, the question shall be submitted on the date of the general 22729
or primary election held during the last year at least one of the 22730
levies to be renewed may be extended on that list and duplicate, 22731
or at any election held during the ensuing year. For purposes of 22732
this section, a levy shall be considered to be an "existing levy" 22733
through the year following the last year it can be placed on the 22734
real and public utility property tax list and duplicate. 22735

The submission of questions to the electors under this 22736
section is subject to the limitation on the number of election 22737
dates established by section 5705.214 of the Revised Code. 22738

The resolution shall go into immediate effect upon its 22739
passage, and no publication of the resolution shall be necessary 22740
other than that provided for in the notice of election. A copy of 22741
the resolution shall immediately after its passing be certified to 22742
the county auditor of the proper county. Section 5705.195 of the 22743
Revised Code shall govern the arrangements for the submission of 22744

questions to the electors under this section and other matters 22745
concerning the election. Publication of notice of the election 22746
shall be made in one or more newspapers of general circulation in 22747
the county once a week for two consecutive weeks prior to the 22748
election, and, if the board of elections operates and maintains a 22749
web site, the board of elections shall post notice of the election 22750
on its web site for thirty days prior to the election. If a 22751
majority of the electors voting on the question submitted in an 22752
election vote in favor of the levy, the board of education of the 22753
school district may make the additional levy necessary to raise 22754
the amount specified in the resolution for the purpose stated in 22755
the resolution. The tax levy shall be included in the next tax 22756
budget that is certified to the county budget commission. 22757

After the approval of the levy and prior to the time when the 22758
first tax collection from the levy can be made, the board of 22759
education may anticipate a fraction of the proceeds of the levy 22760
and issue anticipation notes in an amount not exceeding the total 22761
estimated proceeds of the levy to be collected during the first 22762
year of the levy. 22763

The notes shall be issued as provided in section 133.24 of 22764
the Revised Code, shall have principal payments during each year 22765
after the year of their issuance over a period not to exceed five 22766
years, and may have principal payment in the year of their 22767
issuance. 22768

Sec. 5705.199. (A) At any time the board of education of a 22769
city, local, exempted village, cooperative education, or joint 22770
vocational school district, by a vote of two-thirds of all its 22771
members, may declare by resolution that the revenue that will be 22772
raised by all tax levies that the district is authorized to 22773
impose, when combined with state and federal revenues, will be 22774
insufficient to provide for the necessary requirements of the 22775

school district, and that it is therefore necessary to levy a tax 22776
in excess of the ten-mill limitation for the purpose of providing 22777
for the necessary requirements of the school district. Such a levy 22778
shall be proposed as a substitute for all or a portion of one or 22779
more existing levies imposed under sections 5705.194 to 5705.197 22780
of the Revised Code or under this section, by levying a tax as 22781
follows: 22782

(1) In the initial year the levy is in effect, the levy shall 22783
be in a specified amount of money equal to the aggregate annual 22784
dollar amount of proceeds derived from the levy or levies, or 22785
portion thereof, being substituted. 22786

(2) In each subsequent year the levy is in effect, the levy 22787
shall be in a specified amount of money equal to the sum of the 22788
following: 22789

(a) The dollar amount of the proceeds derived from the levy 22790
in the prior year; and 22791

(b) The dollar amount equal to the product of the total 22792
taxable value of all taxable real property in the school district 22793
in the then-current year, excluding carryover property as defined 22794
in section 319.301 of the Revised Code, multiplied by the annual 22795
levy, expressed in mills for each one dollar of valuation, that 22796
was required to produce the annual dollar amount of the levy under 22797
this section in the prior year; provided, that the amount under 22798
division (A)(2)(b) of this section shall not be less than zero. 22799

(B) The resolution proposing the substitute levy shall 22800
specify the annual dollar amount the levy is to produce in its 22801
initial year; the first calendar year in which the levy will be 22802
due; and the term of the levy expressed in years, which may be any 22803
number not exceeding ten, or for a continuing period of time. The 22804
resolution shall specify the date of holding the election, which 22805
shall not be earlier than seventy-five days after certification of 22806

the resolution to the board of elections, and which shall be 22807
consistent with the requirements of section 3501.01 of the Revised 22808
Code. If two or more existing levies are to be included in a 22809
single substitute levy, but are not scheduled to expire in the 22810
same year, the resolution shall specify that the existing levies 22811
to be substituted shall not be levied after the year preceding the 22812
year in which the substitute levy is first imposed. 22813

22814

The resolution shall go into immediate effect upon its 22815
passage, and no publication of the resolution shall be necessary 22816
other than that provided for in the notice of election. A copy of 22817
the resolution shall immediately after its passage be certified to 22818
the county auditor in the manner provided by section 5705.195 of 22819
the Revised Code, and sections 5705.194 and 5705.196 of the 22820
Revised Code shall govern the arrangements for the submission of 22821
the question and other matters concerning the notice of election 22822
and the election, except as may be provided otherwise in this 22823
section. 22824

(C) The form of the ballot to be used at the election on the 22825
question of a levy under this section shall be as follows: 22826

"Shall a tax levy substituting for an existing levy be 22827
imposed by the (here insert name of school district) 22828
for the purpose of providing for the necessary requirements of the 22829
school district in the initial sum of (here insert the 22830
annual dollar amount the levy is to produce in its initial year), 22831
and a levy of taxes be made outside of the ten-mill limitation 22832
estimated by the county auditor to require (here insert 22833
number of mills) mills for each one dollar of valuation, which 22834
amounts to (here insert rate expressed in dollars and 22835
cents) for each one hundred dollars of valuation for the initial 22836
year of the tax, for a period of (here insert the 22837
number of years the levy is to be imposed, or that it will be 22838

levied for a continuing period of time), commencing in 22839
(first year the tax is to be levied), first due in calendar year 22840
..... (first calendar year in which the tax shall be due), 22841
with the sum of such tax to increase only if and as new land or 22842
real property improvements not previously taxed by the school 22843
district are added to its tax list? 22844

22845
22846

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

22847
22848
22849

If the levy submitted is a proposal to substitute all or a 22850
portion of more than one existing levy, the form of the ballot may 22851
be changed so long as the ballot reflects the number of levies to 22852
be substituted and that none of the existing levies to be 22853
substituted will be levied after the year preceding the year in 22854
which the substitute levy is first imposed. The form of the ballot 22855
shall be modified by substituting the statement "Shall a tax levy 22856
substituting for an existing levy" with "Shall a tax levy 22857
substituting for existing levies" and adding the following 22858
statement after "added to its tax list?" and before "For the Tax 22859
Levy": 22860

"If approved, any remaining tax years on any of the 22861
..... (here insert the number of existing levies) existing 22862
levies will not be collected after (here insert the 22863
current tax year or, if not the current tax year, the applicable 22864
tax year)." 22865

(D) The submission of questions to the electors under this 22866
section is subject to the limitation on the number of election 22867
dates established by section 5705.214 of the Revised Code. 22868

(E) If a majority of the electors voting on the question so 22869

submitted in an election vote in favor of the levy, the board of 22870
education may make the necessary levy within the school district 22871
at the rate and for the purpose stated in the resolution. The tax 22872
levy shall be included in the next tax budget that is certified to 22873
the county budget commission. 22874

(F) A levy for a continuing period of time may be decreased 22875
pursuant to section 5705.261 of the Revised Code. 22876

(G) A levy under this section substituting for all or a 22877
portion of one or more existing levies imposed under sections 22878
5705.194 to 5705.197 of the Revised Code or under this section 22879
shall be treated as having renewed the levy or levies being 22880
substituted for purposes of the payments made under sections 22881
5751.20 to 5751.22 of the Revised Code. 22882

(H) After the approval of a levy on the current tax list and 22883
duplicate, and prior to the time when the first tax collection 22884
from the levy can be made, the board of education may anticipate a 22885
fraction of the proceeds of the levy and issue anticipation notes 22886
in a principal amount not exceeding fifty per cent of the total 22887
estimated proceeds of the levy to be collected during the first 22888
year of the levy. The notes shall be issued as provided in section 22889
133.24 of the Revised Code, shall have principal payments during 22890
each year after the year of their issuance over a period not to 22891
exceed five years, and may have a principal payment in the year of 22892
their issuance. 22893

Sec. 5705.214. Not more than three elections during any 22894
calendar year shall include the questions by a school district of 22895
tax levies proposed under any one or any combination of the 22896
following sections: sections 5705.194, 5705.199, 5705.21, 22897
5705.212, 5705.213, 5705.217, and 5705.218 of the Revised Code. 22898

Sec. 5705.29. This section does not apply to a subdivision or 22899

taxing unit for which the county budget commission has waived the 22900
requirement to adopt a tax budget pursuant to section 5705.281 of 22901
the Revised Code. The tax budget shall present the following 22902
information in such detail as is prescribed by the auditor of 22903
state: 22904

(A)(1) A statement of the necessary current operating 22905
expenses for the ensuing fiscal year for each department and 22906
division of the subdivision, classified as to personal services 22907
and other expenses, and the fund from which such expenditures are 22908
to be made. Except in the case of a school district, this estimate 22909
may include a contingent expense not designated for any particular 22910
purpose, and not to exceed three per cent of the total amount of 22911
appropriations for current expenses. In the case of a school 22912
district, this estimate may include a contingent expense not 22913
designated for any particular purpose and not to exceed thirteen 22914
per cent of the total amount of appropriations for current 22915
expenses. 22916

(2) A statement of the expenditures for the ensuing fiscal 22917
year necessary for permanent improvements, exclusive of any 22918
expense to be paid from bond issues, classified as to the 22919
improvements contemplated by the subdivision and the fund from 22920
which such expenditures are to be made; 22921

(3) The amounts required for the payment of final judgments; 22922

(4) A statement of expenditures for the ensuing fiscal year 22923
necessary for any purpose for which a special levy is authorized, 22924
and the fund from which such expenditures are to be made; 22925

(5) Comparative statements, so far as possible, in parallel 22926
columns of corresponding items of expenditures for the current 22927
fiscal year and the two preceding fiscal years. 22928

(B)(1) An estimate of receipts from other sources than the 22929
general property tax during the ensuing fiscal year, which shall 22930

include an estimate of unencumbered balances at the end of the 22931
current fiscal year, and the funds to which such estimated 22932
receipts are credited; 22933

(2) The amount each fund requires from the general property 22934
tax, which shall be the difference between the contemplated 22935
expenditure from the fund and the estimated receipts, as provided 22936
in this section. The section of the Revised Code under which the 22937
tax is authorized shall be set forth. 22938

(3) Comparative statements, so far as possible, in parallel 22939
columns of taxes and other revenues for the current fiscal year 22940
and the two preceding fiscal years. 22941

(C)(1) The amount required for debt charges; 22942

(2) The estimated receipts from sources other than the tax 22943
levy for payment of such debt charges, including the proceeds of 22944
refunding bonds to be issued to refund bonds maturing in the next 22945
succeeding fiscal year; 22946

(3) The net amount for which a tax levy shall be made, 22947
classified as to bonds authorized and issued prior to January 1, 22948
1922, and those authorized and issued subsequent to such date, and 22949
as to what portion of the levy will be within and what in excess 22950
of the ten-mill limitation. 22951

(D) An estimate of amounts from taxes authorized to be levied 22952
in excess of the ten-mill limitation on the tax rate, and the fund 22953
to which such amounts will be credited, together with the sections 22954
of the Revised Code under which each such tax is exempted from all 22955
limitations on the tax rate. 22956

(E)(1) A board of education may include in its budget for the 22957
fiscal year in which a levy proposed under section 5705.194, 22958
5705.199, 5705.21, or 5705.213, or the original levy under section 22959
5705.212 of the Revised Code is first extended on the tax list and 22960
duplicate an estimate of expenditures to be known as a voluntary 22961

contingency reserve balance, which shall not be greater than 22962
twenty-five per cent of the total amount of the levy estimated to 22963
be available for appropriation in such year. 22964

(2) A board of education may include in its budget for the 22965
fiscal year following the year in which a levy proposed under 22966
section 5705.194, 5705.199, 5705.21, or 5705.213, or the original 22967
levy under section 5705.212 of the Revised Code is first extended 22968
on the tax list and duplicate an estimate of expenditures to be 22969
known as a voluntary contingency reserve balance, which shall not 22970
be greater than twenty per cent of the amount of the levy 22971
estimated to be available for appropriation in such year. 22972

(3) Except as provided in division (E)(4) of this section, 22973
the full amount of any reserve balance the board includes in its 22974
budget shall be retained by the county auditor and county 22975
treasurer out of the first semiannual settlement of taxes until 22976
the beginning of the next succeeding fiscal year, and thereupon, 22977
with the depository interest apportioned thereto, it shall be 22978
turned over to the board of education, to be used for the purposes 22979
of such fiscal year. 22980

(4) A board of education, by a two-thirds vote of all members 22981
of the board, may appropriate any amount withheld as a voluntary 22982
contingency reserve balance during the fiscal year for any lawful 22983
purpose, provided that prior to such appropriation the board of 22984
education has authorized the expenditure of all amounts 22985
appropriated for contingencies under section 5705.40 of the 22986
Revised Code. Upon request by the board of education, the county 22987
auditor shall draw a warrant on the district's account in the 22988
county treasury payable to the district in the amount requested. 22989

(F)(1) A board of education may include a spending reserve in 22990
its budget for fiscal years ending on or before June 30, 2002. The 22991
spending reserve shall consist of an estimate of expenditures not 22992
to exceed the district's spending reserve balance. A district's 22993

spending reserve balance is the amount by which the designated 22994
percentage of the district's estimated personal property taxes to 22995
be settled during the calendar year in which the fiscal year ends 22996
exceeds the estimated amount of personal property taxes to be so 22997
settled and received by the district during that fiscal year. 22998
Moneys from a spending reserve shall be appropriated in accordance 22999
with section 133.301 of the Revised Code. 23000

(2) For the purposes of computing a school district's 23001
spending reserve balance for a fiscal year, the designated 23002
percentage shall be as follows: 23003

Fiscal year ending in:	Designated percentage	
1998	50%	23005
1999	40%	23006
2000	30%	23007
2001	20%	23008
2002	10%	23009

(G) Except as otherwise provided in this division, the county 23010
budget commission shall not reduce the taxing authority of a 23011
subdivision as a result of the creation of a reserve balance 23012
account. Except as otherwise provided in this division, the county 23013
budget commission shall not consider the amount in a reserve 23014
balance account of a township, county, or municipal corporation as 23015
an unencumbered balance or as revenue for the purposes of division 23016
(E)(3) or (4) of section 5747.51 of the Revised Code. The county 23017
budget commission may require documentation of the reasonableness 23018
of the reserve balance held in any reserve balance account. The 23019
commission shall consider any amount in a reserve balance account 23020
that it determines to be unreasonable as unencumbered and as 23021
revenue for the purposes of ~~sections~~ section 5747.51 of the 23022
Revised Code and may take such amounts into consideration when 23023
determining whether to reduce the taxing authority of a 23024
subdivision. 23025

Sec. 5709.121. (A) Real property and tangible personal 23026
property belonging to a charitable or educational institution or 23027
to the state or a political subdivision, shall be considered as 23028
used exclusively for charitable or public purposes by such 23029
institution, the state, or political subdivision, if it meets one 23030
of the following requirements: 23031

(1) It is used by such institution, the state, or political 23032
subdivision, or by one or more other such institutions, the state, 23033
or political subdivisions under a lease, sublease, or other 23034
contractual arrangement: 23035

(a) As a community or area center in which presentations in 23036
music, dramatics, the arts, and related fields are made in order 23037
to foster public interest and education therein; 23038

(b) For other charitable, educational, or public purposes. 23039

(2) It is made available under the direction or control of 23040
such institution, the state, or political subdivision for use in 23041
furtherance of or incidental to its charitable, educational, or 23042
public purposes and not with the view to profit. 23043

(3) It is used by an organization described in division (D) 23044
of section 5709.12 of the Revised Code. If the organization is a 23045
corporation that receives a grant under the Thomas Alva Edison 23046
grant program authorized by division (C) of section 122.33 of the 23047
Revised Code at any time during the tax year, "used," for the 23048
purposes of this division, includes holding property for lease or 23049
resale to others. 23050

(B)(1) Property described in division (A)(1)(a) of this 23051
section shall continue to be considered as used exclusively for 23052
charitable or public purposes even if the property is conveyed 23053
through one conveyance or a series of conveyances to an entity 23054
that is not a charitable or educational institution and is not the 23055

state or a political subdivision, provided that all of the 23056
following conditions apply with respect to that property: 23057

(a) The property has been listed as exempt on the county 23058
auditor's tax list and duplicate for the county in which it is 23059
located for the ten tax years immediately preceding the year in 23060
which the property is conveyed through one conveyance or a series 23061
of conveyances; 23062

(b) The owner to which the property is conveyed through one 23063
conveyance or a series of conveyances leases the property through 23064
one lease or a series of leases to the entity that owned or 23065
occupied the property for the ten tax years immediately preceding 23066
the year in which the property is conveyed or an affiliate of such 23067
prior owner or occupant; 23068

(c) The property includes improvements that are at least 23069
fifty years old; 23070

(d) The property is being renovated in connection with a 23071
claim for historic preservation tax credits available under 23072
federal law; 23073

(e) The property continues to be used for the purposes 23074
described in division (A)(1)(a) of this section after its 23075
conveyance; and 23076

(f) The property is certified by the United States secretary 23077
of the interior as a "certified historic structure" or certified 23078
as part of a certified historic structure. 23079

(2) Notwithstanding section 5715.27 of the Revised Code, an 23080
application for exemption from taxation of property described in 23081
division (B)(1) of this section may be filed by either the owner 23082
of the property or its occupant. 23083

(C) For purposes of this section, an institution is a 23084
charitable institution if the institution is a nonprofit 23085

corporation or association, no part of the net earnings of which 23086
inures to the benefit of any private shareholder or individual, is 23087
exempt from federal income taxation under section 501(a) of the 23088
Internal Revenue Code, the majority of the institution's board of 23089
directors are appointed by the mayor or legislative authority of a 23090
municipal corporation or a board of county commissioners, or a 23091
combination thereof, and the primary purpose of the institution is 23092
to assist in the development and revitalization of downtown urban 23093
areas. 23094

Sec. 5721.30. As used in sections 5721.30 to 5721.43 of the 23095
Revised Code: 23096

(A) "Tax certificate," "certificate," or "duplicate 23097
certificate" means a document that may be issued as a physical 23098
certificate, in book-entry form, or through an electronic medium, 23099
at the discretion of the county treasurer. Such document shall 23100
contain the information required by section 5721.31 of the Revised 23101
Code and shall be prepared, transferred, or redeemed in the manner 23102
prescribed by sections 5721.30 to 5721.43 of the Revised Code. As 23103
used in those sections, "tax certificate," "certificate," and 23104
"duplicate certificate" do not refer to the delinquent land tax 23105
certificate or the delinquent vacant land tax certificate issued 23106
under section 5721.13 of the Revised Code. 23107

(B) "Certificate parcel" means the parcel of delinquent land 23108
that is the subject of and is described in a tax certificate. 23109

(C) "Certificate holder" means a person who purchases a tax 23110
certificate under section 5721.32, 5721.33, or 5721.42 of the 23111
Revised Code, or a person to whom a tax certificate has been 23112
transferred pursuant to section 5721.36 of the Revised Code. 23113

(D) "Certificate purchase price" means, with respect to the 23114
sale of tax certificates under sections 5721.32, 5721.33, and 23115
5721.42 of the Revised Code, the amount equal to delinquent taxes, 23116

~~assessments, penalties, and interest computed under section~~ 23117
~~323.121 of the Revised Code~~ charged against a certificate parcel 23118
at the time the tax certificate respecting that parcel is sold, 23119
not including any delinquent taxes, ~~assessments, penalties,~~ 23120
~~interest, and charges,~~ the lien for which has been conveyed to a 23121
certificate holder through a prior sale of a tax certificate 23122
respecting that parcel; ~~provided, however, that payment.~~ Payment 23123
of the certificate purchase price in a sale under section 5721.33 23124
of the Revised Code may be made wholly in cash or partially in 23125
cash and partially by noncash consideration acceptable to the 23126
county treasurer from the purchaser. In the event that any such 23127
noncash consideration is delivered to pay a portion of the 23128
certificate purchase price, such noncash consideration may be 23129
subordinate to the rights of the holders of other obligations 23130
whose proceeds paid the cash portion of the certificate purchase 23131
price. 23132

"Certificate purchase price" also includes the amount of the 23133
fee charged by the county treasurer to the purchaser of the 23134
certificate under division (H) of section 5721.32 of the Revised 23135
Code. 23136

(E)(1) With respect to a sale of tax certificates under 23137
section 5721.32 of the Revised Code, and except as provided in 23138
division (E)(2) of this section, ~~both of the following apply:~~ 23139

~~(1)~~ "Certificate certificate redemption price" means the 23140
certificate purchase price plus the greater of the following: 23141

(a) ~~Interest~~ Simple interest, at the certificate rate of 23142
interest, accruing during the certificate interest period on the 23143
certificate purchase price, calculated in accordance with section 23144
5721.41 of the Revised Code; 23145

(b) Six per cent of the certificate purchase price. 23146

(2) If the certificate rate of interest equals zero, the 23147

certificate redemption price equals the certificate purchase price 23148
plus the fee charged by the county treasurer to the purchaser of 23149
the certificate under division (H) of section 5721.32 of the 23150
Revised Code. 23151

(F) With respect to a sale of tax certificates under section 23152
5721.33 of the Revised Code, "certificate redemption price" means 23153
the amount equal to the sum of the following: 23154

(1) The certificate purchase price; 23155

(2) Interest accrued on the certificate purchase price at the 23156
certificate rate of interest from the date on which a tax 23157
certificate is delivered through and including the day immediately 23158
preceding the day on which the certificate redemption price is 23159
paid; 23160

(3) The fee, if any, charged by the county treasurer to the 23161
purchaser of the certificate under division (J) of section 5721.33 23162
of the Revised Code; 23163

(4) Any other fees charged by any county office in connection 23164
with the recording of tax certificates. 23165

(G) "Certificate rate of interest" means the rate of simple 23166
interest per year bid by the winning bidder in an auction of a tax 23167
certificate held under section 5721.32 of the Revised Code, or the 23168
rate of simple interest per year not to exceed eighteen per cent 23169
per year fixed pursuant to section 5721.42 of the Revised Code or 23170
by the county treasurer with respect to any tax certificate sold 23171
pursuant to a negotiated sale under section 5721.33 of the Revised 23172
Code. The certificate rate of interest shall not be less than zero 23173
per cent per year. 23174

(H) "Cash" means United States currency, certified checks, 23175
money orders, bank drafts, ~~or~~ electronic transfer of funds, or 23176
other forms of payment authorized by the county treasurer, and 23177
excludes any other form of payment not so authorized. 23178

(I) "The date on which a tax certificate is sold," "the date the certificate was sold," "the date the certificate is purchased," and any other phrase of similar content mean, with respect to a sale pursuant to an auction under section 5721.32 of the Revised Code, the date designated by the county treasurer for the submission of bids and, with respect to a negotiated sale under section 5721.33 of the Revised Code, the date of delivery of the tax certificates to the purchasers thereof pursuant to a tax certificate sale/purchase agreement.

~~(J) "Purchaser of a tax certificate pursuant to section 5721.32 of the Revised Code" means the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code.~~

~~(K)~~ "Certificate interest period" means, with respect to a tax certificate sold under section 5721.32 or 5721.42 of the Revised Code and for the purpose of accruing interest under section 5721.41 of the Revised Code, the period beginning on the date on which the certificate is purchased and, with respect to a tax certificate sold under section 5721.33 of the Revised Code, the period beginning on the date of delivery of the tax certificate, and in either case ending on one of the following dates:

~~(1) In the case of foreclosure proceedings instituted under section 5721.37 of the Revised Code, the date the certificate holder submits a payment to the treasurer under division (B) of that section~~ The date the certificate holder files a request for foreclosure or notice of intent to foreclose under division (A) of section 5721.37 of the Revised Code and submits the payment required under division (B) of that section;

~~(2) In the case of a certificate parcel redeemed under division (A) or (C) of section 5721.38 of the Revised Code, the~~ The date the owner of record of the certificate parcel, or any

other person entitled to redeem that parcel, ~~pays to the county~~ 23211
~~treasurer or to the certificate holder, as applicable, the full~~ 23212
~~amount determined under that section~~ redeems the certificate 23213
parcel under division (A) or (C) of section 5721.38 of the Revised 23214
Code or redeems the certificate under section 5721.381 of the 23215
Revised Code. 23216

~~(L)~~ "County treasurer" means, with respect to the sale of tax 23217
~~certificates under section 5721.32, or 5721.33 of the Revised~~ 23218
~~Code, the county treasurer of a county having a population of at~~ 23219
~~least two hundred thousand according to the then most recent~~ 23220
~~federal decennial census.~~ 23221

~~(M)~~(K) "Qualified trustee" means a trust company within the 23222
state or a bank having the power of a trust company within the 23223
state with a combined capital stock, surplus, and undivided 23224
profits of at least one hundred million dollars. 23225

~~(N)~~(L) "Tax certificate sale/purchase agreement" means the 23226
purchase and sale agreement described in division (C) of section 23227
5721.33 of the Revised Code setting forth the certificate purchase 23228
price, plus any applicable premium or less any applicable 23229
discount, including, without limitation, the amount to be paid in 23230
cash and the amount and nature of any noncash consideration, the 23231
date of delivery of the tax certificates, and the other terms and 23232
conditions of the sale, including, without limitation, the rate of 23233
interest that the tax certificates shall bear. 23234

~~(O)~~(M) "Noncash consideration" means any form of 23235
consideration other than cash, including, but not limited to, 23236
promissory notes whether subordinate or otherwise. 23237

~~(P)~~(N) "Private attorney" means ~~for purposes of section~~ 23238
~~5721.37 of the Revised Code, any attorney licensed to practice law~~ 23239
~~in this state, whether practicing with a firm of attorneys or~~ 23240
~~otherwise, whose license has not been revoked or otherwise~~ and is 23241

~~not currently~~ suspended, and who ~~brings~~ is retained to bring 23242
foreclosure proceedings pursuant to section 5721.37 of the Revised 23243
Code on behalf of a certificate holder. 23244

~~(Q)(O)~~ "Related certificate parcel" means, with respect to a 23245
certificate holder, the certificate parcel with respect to which 23246
the certificate holder has purchased and holds a tax certificate 23247
pursuant to sections 5721.30 to 5721.43 of the Revised Code and, 23248
with respect to a tax certificate, the certificate parcel against 23249
which the tax certificate has been sold pursuant to those 23250
sections. 23251

(P) "Delinquent taxes" means delinquent taxes as defined in 23252
section 323.01 of the Revised Code and includes assessments and 23253
charges, and penalties and interest computed under section 323.121 23254
of the Revised Code. 23255

Sec. 5721.31. (A)~~(1)~~ After receipt of a duplicate of the 23256
delinquent land list compiled under section 5721.011 of the 23257
Revised Code, or a delinquent land list compiled previously under 23258
that section, ~~for a county having a population of at least two~~ 23259
~~hundred thousand according to the most recent federal decennial~~ 23260
~~census,~~ the county treasurer may select from the list parcels of 23261
delinquent land the lien against which the county treasurer may 23262
attempt to transfer by the sale of tax certificates under sections 23263
5721.30 to 5721.43 of the Revised Code. ~~The county treasurer may~~ 23264
~~select only those eligible parcels~~ None of the following parcels 23265
may be selected for a tax certificate sale: 23266

(a) A parcel for which the full amount of taxes, assessments, 23267
penalties, interest, and charges have ~~not yet~~ been paid ~~or~~; 23268

(b) A parcel for which a valid ~~delinquent tax~~ contract under 23269
section 323.122, 323.31, or 5713.20 of the Revised Code is ~~not~~ in 23270
force; 23271

(c) A parcel the owner of which has filed a petition in 23272
bankruptcy, so long as the parcel is property of the bankruptcy 23273
estate. Each certificate shall contain the same information as is 23274
required to be contained in the delinquent land list. The 23275

(2) The county treasurer shall compile a separate list, ~~the~~ 23276
~~list~~ of parcels selected for tax certificate sales, including the 23277
same information as is required to be included in the delinquent 23278
land list. 23279

Upon compiling the list of parcels selected for tax 23280
certificate sales, the county treasurer may conduct a title search 23281
for any parcel on the list. 23282

(B)(1) Except as otherwise provided in division (B)(3) of 23283
this section, when tax certificates are to be sold under section 23284
5721.32 of the Revised Code with respect to parcels, the county 23285
treasurer shall send written notice by certified ~~or registered~~ 23286
mail to either the owner of record or all interested parties 23287
discoverable through a title search, or both, of each parcel on 23288
the list. A notice to an owner shall be sent to the owner's last 23289
known tax-mailing address. The notice shall inform the owner or 23290
interested parties that a tax certificate will be offered for sale 23291
on the parcel, and that the owner or interested parties may incur 23292
additional expenses as a result of the sale. 23293

(2) Except as otherwise provided in division (B)(3) of this 23294
section, when tax certificates are to be sold under section 23295
5721.33 of the Revised Code with respect to parcels, the county 23296
treasurer, at least thirty days prior to the date of sale of such 23297
tax certificates, shall send written notice of the sale by 23298
certified ~~or registered~~ mail, ~~or both~~, to the last known 23299
tax-mailing address of the record owner of the property or parcel 23300
and may send such notice to all parties with an interest in the 23301
property that has been recorded in the property records of the 23302
county pursuant to section 317.08 of the Revised Code. The notice 23303

shall state that a tax certificate will be offered for sale on the 23304
parcel, and that the owner or interested parties may incur 23305
additional expenses as a result of the sale. 23306

(3) The county treasurer is not required to send a notice 23307
under division (B)(1) or (B)(2) of this section if the treasurer 23308
previously has attempted to send such notice to the owner of the 23309
parcel and the notice has been returned by the post office as 23310
undeliverable. The absence of a valid tax_mailing address for the 23311
owner of a parcel does not preclude the county treasurer from 23312
selling a tax certificate for the parcel. 23313

(C) The county treasurer shall advertise the sale of tax 23314
certificates under section 5721.32 of the Revised Code in a 23315
newspaper of general circulation in the county, once a week for 23316
two consecutive weeks. The advertisement shall include the date, 23317
the time, and the place of the public auction, abbreviated legal 23318
descriptions of the parcels, and the names of the owners of record 23319
of the parcels. The advertisement also shall include the 23320
certificate purchase prices of the parcels or the total purchase 23321
price of tax certificates for sale in blocks of tax certificates. 23322

(D) After the county treasurer has compiled the list of 23323
parcels selected for tax certificate sales but before a tax 23324
certificate respecting a parcel is sold, if the owner of record of 23325
the parcel pays to the county treasurer in cash the ~~full amount of~~ 23326
~~delinquent taxes, assessments, penalties, interest, and charges~~ 23327
~~then due and payable or enters into a valid delinquent tax~~ 23328
~~contract under section 323.31 of the Revised Code to pay that~~ 23329
~~amount~~ delinquent taxes respecting the parcel or otherwise acts so 23330
that any condition in division (A)(1)(a), (b), or (c) of this 23331
section applies to the parcel, the owner of record of the parcel 23332
also shall pay a fee in an amount prescribed by the treasurer to 23333
cover the administrative costs of the treasurer under this section 23334
respecting the parcel ~~and credited~~. The fee shall be deposited in 23335

the county treasury to the credit of the tax certificate 23336
administration fund. 23337

(E) A tax certificate administration fund shall be created in 23338
the county treasury of each county selling tax certificates under 23339
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 23340
administered by the county treasurer, and used solely for the 23341
purposes of sections 5721.30 to 5721.43 of the Revised Code. Any 23342
fee received by the treasurer under sections 5721.30 to 5721.43 of 23343
the Revised Code shall be credited to the fund, except the bidder 23344
registration fee under division (B) of section 5721.32 of the 23345
Revised Code and the county prosecuting attorney's fee under 23346
division (B)(3) of section 5721.37 of the Revised Code. 23347

(F) The county treasurers of more than one county may jointly 23348
conduct a regional sale of tax certificates under section 5721.32 23349
of the Revised Code. A regional sale shall be held at a single 23350
location in one county, where the tax certificates from each of 23351
the participating counties shall be offered for sale at public 23352
auction. Before the regional sale, each county treasurer shall 23353
advertise the sale for the parcels in the treasurer's county as 23354
required by division (C) of this section. At the regional sale, 23355
tax certificates shall be sold on parcels from one county at a 23356
time, with all of the certificates for one county offered for sale 23357
before any certificates for the next county are offered for sale. 23358

(G) The tax commissioner shall prescribe the form of the tax 23359
certificate under this section, and county treasurers shall use 23360
the form so prescribed ~~by the commissioner~~. 23361

Sec. 5721.32. (A) The sale of tax certificates by public 23362
auction may be conducted at any time after completion of the 23363
advertising of the sale under section 5721.31 of the Revised Code, 23364
on the date and at the time and place designated in the 23365
advertisements, and may be continued from time to time as the 23366

county treasurer directs. The county treasurer may offer the tax 23367
certificates for sale in blocks of tax certificates, consisting of 23368
any number of tax certificates as determined by the county 23369
treasurer. 23370

(B)(1) The sale of tax certificates under this section shall 23371
be conducted at a public auction by the county treasurer or a 23372
designee of the county treasurer. 23373

(2) No person shall be permitted to bid without completing a 23374
bidder registration form, in the form prescribed by the tax 23375
commissioner, and without filing the form with the county 23376
treasurer prior to the start of the auction, together with 23377
remittance of a registration fee, in cash, of five hundred 23378
dollars. The bidder registration form shall include a tax 23379
identification number of the registrant. The registration fee is 23380
refundable at the end of bidding on the day of the auction, unless 23381
the registrant is the winning bidder for one or more tax 23382
certificates or one or more blocks of tax certificates, in which 23383
case the fee may be applied toward the deposit required by this 23384
section. 23385

(3) The county treasurer may require a person who wishes to 23386
bid on one or more parcels to submit a letter from a financial 23387
institution stating that the bidder has sufficient funds available 23388
to pay the purchase price of the parcels and a written 23389
authorization for the treasurer to verify such information with 23390
the financial institution. The county treasurer may require 23391
submission of the letter and authorization sufficiently in advance 23392
of the auction to allow for verification. No person who fails to 23393
submit the required letter and authorization, or whose financial 23394
institution fails to provide the requested verification, shall be 23395
permitted to bid. 23396

(C) At the public auction, the county treasurer or the 23397
treasurer's designee or agent shall begin the bidding at eighteen 23398

per cent per year simple interest, and accept lower bids in even 23399
increments of one-fourth of one per cent to the rate of zero per 23400
cent. The county treasurer, designee, or agent shall award the tax 23401
certificate to the person bidding the lowest certificate rate of 23402
interest. The county treasurer shall decide which person is the 23403
winning bidder in the event of a tie for the lowest bid offered, 23404
or if a person contests the lowest bid offered. The county 23405
treasurer's decision is not appealable. 23406

(D)(1) The winning bidder shall pay the county treasurer a 23407
cash deposit of at least ten per cent of the certificate purchase 23408
price not later than the close of business on the day of the sale. 23409
The winning bidder shall pay the balance and the fee required 23410
under division (H) of this section not later than five business 23411
days after the day on which the certificate is sold. ~~If~~ Except as 23412
provided under division (D)(2) of this section, if the winning 23413
bidder fails to pay the balance and fee within the prescribed 23414
time, the bidder forfeits the deposit, and the county treasurer 23415
shall retain the tax certificate and may attempt to sell it at any 23416
auction conducted at a later date. ~~The~~ 23417

(2) At the request of a winning bidder, the county treasurer 23418
may release the bidder from the bidder's tax certificate purchase 23419
obligation. The county treasurer may retain all or any portion of 23420
the deposit of a bidder granted a release. After granting a 23421
release under this division, the county treasurer may award the 23422
tax certificate to the person that submitted the second lowest bid 23423
at the auction. 23424

(3) The county treasurer shall deposit the forfeited deposit 23425
forfeited or retained under divisions (D)(1) or (2) of this 23426
section in the county treasury to the credit of the tax 23427
certificate administration fund. 23428

(E) Upon receipt of the full payment of the certificate 23429
purchase price from the purchaser, the county treasurer shall 23430

issue the tax certificate and record the tax certificate sale by 23431
~~marking on the tax certificate and~~ entering into a tax certificate 23432
register, the certificate purchase price, the certificate rate of 23433
interest, the date the certificate was sold, ~~and~~ the name and 23434
address of the certificate holder, ~~which~~ and any other information 23435
the county treasurer considers necessary. The county treasurer may 23436
keep the tax certificate register in a hard-copy format or in an 23437
electronic format. The name and address of the certificate holder 23438
may be, upon receipt of instructions from the purchaser, that of 23439
the secured party of the actual purchaser, or an agent or 23440
custodian for the purchaser or secured party. The county treasurer 23441
also shall transfer the tax certificate to the certificate holder 23442
~~and, upon presentation to the treasurer of instructions signed by~~ 23443
~~the certificate purchaser, shall record in the tax certificate~~ 23444
~~register the name and address of any secured party of the~~ 23445
~~certificate purchaser having a security interest in the tax~~ 23446
~~certificate. Upon the transfer of a tax certificate, the . The~~ 23447
county treasurer shall apportion the part of the proceeds from the 23448
sale representing taxes, penalties, and interest among the several 23449
taxing districts in the same proportion that the amount of taxes 23450
levied by each district against the certificate parcel in the 23451
preceding tax year bears to the taxes levied by all such districts 23452
against the certificate parcel in the preceding tax year, and 23453
credit the part of the proceeds representing assessments and other 23454
charges to the items of assessments and charges in the order in 23455
which those items became due. Upon ~~completion of the sale of~~ 23456
issuing a tax certificate, the delinquent taxes, ~~assessments,~~ 23457
~~penalties, and interest~~ that make up the certificate purchase 23458
price are transferred, and the superior lien of the state and its 23459
taxing districts for those delinquent taxes, ~~assessments,~~ 23460
~~penalties, and interest~~ is conveyed intact to the certificate 23461
holder. 23462

(F) If a tax certificate is offered for sale under this 23463

section but is not sold, the county treasurer may strike the 23464
corresponding certificate parcel from the list of parcels selected 23465
for tax certificate sales. The lien for taxes, assessments, 23466
charges, penalties, and interest against a parcel stricken from 23467
the list thereafter may be foreclosed in the manner prescribed by 23468
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 23469
prior to the institution of such proceedings against the parcel, 23470
the county treasurer restores the parcel to the list of parcels 23471
selected for tax certificate sales. 23472

(G) A certificate holder shall not be liable for damages 23473
arising from a violation of sections 3737.87 to 3737.891 or 23474
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 23475
6111. of the Revised Code, or a rule adopted or order, permit, 23476
license, variance, or plan approval issued under any of those 23477
chapters, that is or was committed by another person in connection 23478
with the parcel for which the tax certificate is held. 23479

(H) When selling a tax certificate under this section, the 23480
county treasurer shall charge a fee to the purchaser of the 23481
certificate. The county treasurer shall set the fee at a 23482
reasonable amount that covers the treasurer's costs of 23483
administering the sale of the tax certificate. The county 23484
treasurer shall deposit the fee in the county treasury to the 23485
credit of the tax certificate administration fund. 23486

(I) After selling a tax certificate under this section, the 23487
county treasurer shall send written notice by certified ~~or~~ 23488
~~registered~~ mail to the owner of the certificate parcel at the 23489
owner's last known tax-mailing address. The notice shall inform 23490
the owner that the tax certificate was sold, shall describe the 23491
owner's options to redeem the parcel, including entering into a 23492
redemption payment plan under division (C)(1) of section 5721.38 23493
of the Revised Code, and shall name the certificate holder and its 23494
secured party, if any. However, the county treasurer is not 23495

required to send a notice under this division if the treasurer 23496
previously has attempted to send a notice to the owner of the 23497
parcel at the owner's last known tax-mailing address, and the 23498
postal service has returned the notice as undeliverable. 23499

(J) A tax certificate shall not be sold to the owner of the 23500
certificate parcel. 23501

Sec. 5721.33. (A) A county treasurer may, in the treasurer's 23502
discretion, negotiate the sale of any number of tax certificates 23503
with one or more persons, ~~including~~. Terms that may be negotiated 23504
include, without limitation, any of the following: 23505

(1) A premium to be added to or discount to be subtracted 23506
from the certificate purchase price for the tax certificates and 23507
any; 23508

(2) Different time frames under which the certificate holder 23509
may initiate a foreclosure action than are otherwise allowed under 23510
sections 5721.30 to 5721.43 of the Revised Code, not to exceed six 23511
years after the date the tax certificate was sold; 23512

(3) The amount to be paid in private attorney's fees related 23513
to tax certificate foreclosures, subject to section 5721.371 of 23514
the Revised Code; 23515

(4) Any other terms of the sale that the county treasurer, in 23516
the treasurer's discretion, determines appropriate or necessary 23517
for the sale. 23518

(B) The sale of tax certificates under this section shall be 23519
governed by the criteria established by the county treasurer 23520
pursuant to division (E) of this section. 23521

(C) The county treasurer may execute a tax certificate 23522
sale/purchase agreement and other necessary agreements with a 23523
designated purchaser or purchasers to complete a negotiated sale 23524
of tax certificates. 23525

(D) The tax certificate may be sold at a premium to or 23526
discount from the certificate purchase price. The county treasurer 23527
may establish as one of the terms of the negotiated sale the 23528
portion of the certificate purchase price, plus any applicable 23529
premium or less any applicable discount, that the purchaser or 23530
purchasers shall pay in cash on the date the tax certificates are 23531
sold and the portion, if any, of the certificate purchase price, 23532
plus any applicable premium or less any applicable discount, that 23533
the purchaser or purchasers shall pay in noncash consideration and 23534
the nature of that consideration. 23535

The county treasurer shall sell such tax certificates at a 23536
certificate purchase price, plus any applicable premium and less 23537
any applicable discount, and at a certificate rate of interest 23538
that, in the treasurer's determination, are in the best interests 23539
of the county. 23540

(E)(1) The county treasurer shall adopt rules governing the 23541
eligibility of persons to purchase tax certificates or to 23542
otherwise participate in a negotiated sale under this section. The 23543
rules may provide for precertification of such persons, including 23544
a requirement for disclosure of income, assets, and any other 23545
financial information the county treasurer determines appropriate. 23546
The rules also may prohibit any person that is delinquent in the 23547
payment of any tax to the county or to the state, or that is in 23548
default in or on any other obligation to the county or to the 23549
state, from purchasing a tax certificate or otherwise 23550
participating in a negotiated sale of tax certificates under this 23551
section. The eligibility information required shall include the 23552
tax identification number of the purchaser and may include the tax 23553
identification number of the participant. The county treasurer, 23554
upon request, shall provide a copy of the rules adopted under this 23555
section. 23556

(2) Any person that intends to purchase a tax certificate in 23557

a negotiated sale shall submit an affidavit to the county treasurer that establishes compliance with the applicable eligibility criteria and includes any other information required by the treasurer. Any person that fails to submit such an affidavit is ineligible to purchase a tax certificate. Any person that knowingly submits a false or misleading affidavit shall forfeit any tax certificate or certificates purchased by the person at a sale for which the affidavit was submitted, shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, of the tax certificate or certificates, and shall be disqualified from participating in any tax certificate sale conducted in the county during the next five years.

(3) A tax certificate shall not be sold to the owner of the certificate parcel or to any corporation, partnership, or association in which such owner has an interest. No person that purchases a tax certificate in a negotiated sale shall assign or transfer the tax certificate to the owner of the certificate parcel or to any corporation, partnership, or association in which the owner has an interest. Any person that knowingly or negligently transfers or assigns a tax certificate to the owner of the certificate parcel or to any corporation, partnership, or association in which such owner has an interest shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, and shall not be entitled to a refund of any amount paid. Such tax certificate shall be deemed void and the tax lien sold under the tax certificate shall revert to the county as if no sale of the tax certificate had occurred.

(F) The purchaser in a negotiated sale under this section shall deliver the certificate purchase price, plus any applicable premium and less any applicable discount and including any noncash

consideration, to the county treasurer not later than the close of 23590
business on the date the tax certificates are delivered to the 23591
purchaser. The certificate purchase price, ~~plus any applicable~~ 23592
~~premium and~~ less any applicable discount, or portion of the price, 23593
that is paid in cash shall be deposited in the county's general 23594
fund to the credit of the account to which ad valorem real 23595
property taxes are credited and further credited as provided in 23596
division (G) of this section. Any applicable premium that is paid 23597
shall be, at the discretion of the county treasurer, apportioned 23598
to and deposited in any authorized county fund. The purchaser also 23599
shall pay on the date the tax certificates are delivered to the 23600
purchaser the fee, if any, negotiated under division (J) of this 23601
section. If the purchaser fails to pay the certificate purchase 23602
price, plus any applicable premium and less any applicable 23603
discount, and any such fee, within the time periods required by 23604
this section, the county treasurer shall retain the tax 23605
certificate and may attempt to sell it at any auction or 23606
negotiated sale conducted at a later date. 23607

(G) Upon receipt of the full payment from the purchaser of 23608
the certificate purchase price, plus any applicable premium and 23609
less any applicable discount, and the negotiated fee, if any, ~~from~~ 23610
~~the purchaser,~~ the county treasurer, or a qualified trustee whom 23611
the treasurer has engaged for such purpose, shall issue the tax 23612
certificate and record the tax certificate sale by ~~marking on each~~ 23613
~~of the tax certificates sold or, if issued in book-entry form, on~~ 23614
~~the global tax certificate, and marking~~ entering into a tax 23615
certificate register, the certificate purchase price, any premium 23616
paid or discount taken, the certificate rate of interest, the date 23617
the certificates were sold, ~~and~~ the name and address of the 23618
certificate holder or, in the case of issuance of the tax 23619
certificates in a book-entry system, the name and address of the 23620
nominee, ~~which~~ and any other information the county treasurer 23621
considers necessary. The county treasurer may keep the tax 23622

certificate register in a hard-copy format or an electronic 23623
format. The name and address of the certificate holder or nominee 23624
may be, upon receipt of instructions from the purchaser, that of 23625
the secured party of the actual purchaser, or an agent or 23626
custodian for the purchaser or secured party. The county treasurer 23627
also shall transfer the tax certificates to the certificate holder 23628
~~and, upon presentation to the treasurer of instructions signed by~~ 23629
~~the certificate purchaser or purchasers, shall record in the tax~~ 23630
~~certificate register the name and address of any secured party of~~ 23631
~~the certificate purchaser or purchasers having a security interest~~ 23632
~~in the tax certificate. Upon the transfer of the tax certificates,~~ 23633
~~the.~~ The county treasurer shall apportion the part of the cash 23634
proceeds from the sale representing taxes, penalties, and interest 23635
among the several taxing districts in the same proportion that the 23636
amount of taxes levied by each district against the certificate 23637
parcels in the preceding tax year bears to the taxes levied by all 23638
such districts against the certificate parcels in the preceding 23639
tax year, and credit the part of the proceeds representing 23640
assessments and other charges to the items of assessments and 23641
charges in the order in which those items became due. If the cash 23642
proceeds from the sale are not sufficient to fully satisfy the 23643
items of ~~outstanding delinquent~~ taxes, assessments, penalties, 23644
interest, and charges on the certificate parcels against which tax 23645
certificates were sold, the county treasurer shall credit the cash 23646
proceeds to such items pro rata based upon the proportion that 23647
each item of ~~delinquent~~ taxes, assessments, penalties, interest, 23648
and charges bears to the aggregate of all such items, or by any 23649
other method that the county treasurer, in the treasurer's sole 23650
discretion, determines is equitable. Upon ~~completion of the sale~~ 23651
~~of~~ issuing the tax certificates, the delinquent taxes, 23652
~~assessments, penalties, and interest~~ that make up the certificate 23653
purchase price are transferred, and the superior lien of the state 23654
and its taxing districts for those delinquent taxes, ~~assessments,~~ 23655

~~penalties, and interest~~ is conveyed intact to the certificate holder or holders. 23656
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(H) If a tax certificate is offered for sale under this section but is not sold, the county treasurer may strike the corresponding certificate parcel from the list of parcels selected for tax certificate sales. The lien for taxes, assessments, charges, penalties, and interest against a parcel stricken from the list thereafter may be foreclosed in the manner prescribed by section 323.25, 5721.14, or 5721.18 of the Revised Code unless, prior to the institution of such proceedings against the parcel, the county treasurer restores the parcel to the list of parcels selected for tax certificate sales. 23658
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(I) Neither a certificate holder nor its secured party, if any, shall be liable for damages arising from a violation of sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, or a rule adopted or order, permit, license, variance, or plan approval issued under any of those chapters, that is or was committed by another person in connection with the parcel for which the tax certificate is held. 23668
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(J) When selling a tax certificate under this section, the county treasurer may negotiate with the purchaser of the certificate for ~~a fee~~ fees paid by the purchaser to the county treasurer to reimburse the treasurer for any part or all of the treasurer's costs of preparing for and administering the sale of the tax certificate and any fees set forth by the county treasurer in the tax certificate sale/purchase agreement. Such ~~fee~~ fees, if any, shall be added to the certificate purchase price ~~of the certificate~~ and shall be paid by the purchaser on the date of delivery of the tax certificate. The county treasurer shall deposit the ~~fee~~ fees in the county treasury to the credit of the tax certificate administration fund. 23676
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(K) After selling tax certificates under this section, the county treasurer shall send written notice by certified ~~or~~ registered mail to the last known tax-mailing address of the owner of the certificate parcel. The notice shall inform the owner that a tax certificate with respect to such owner's parcel was sold and shall describe the owner's options to redeem the parcel, including entering into a redemption payment plan under division (C)(2) of section 5721.38 of the Revised Code. However, the county treasurer is not required to send a notice under this division if the treasurer previously has attempted to send a notice to the owner of the parcel at the owner's last known tax-mailing address and the postal service has returned the notice as undeliverable.

Sec. 5721.34. (A) A county treasurer shall not sell any tax certificate respecting a parcel of delinquent land ~~upon which the full amount of delinquent taxes, assessments, penalties, interest, charges, and costs then due and payable have been paid, or with respect to which a valid delinquent tax contract under any of divisions (A)(1)(a) to (c) of section ~~323.31~~ 5721.31 of the Revised Code to pay that amount has been entered into, prior to the sale of the certificate by the county treasurer apply.~~ A certificate sold in violation of this section is void.

(B) If the county treasurer discovers or determines that ~~the~~ a certificate is void ~~under division (A) of this section for any reason~~, the holder of the void certificate is entitled to a refund of the certificate purchase price, plus any applicable premium and less any applicable discount, and the fee charged by the treasurer under division (H) of section 5721.32 or division (J) of section 5721.33 of the Revised Code, if any, as applicable. If the county treasurer makes the discovery or determination more than ~~sixty~~ ninety days after the certificate's date of sale, the holder also is entitled to interest on the certificate purchase price at the rate of five per cent per year. The interest shall be calculated

from the first day of the month following the month in which the 23720
certificate was sold, to the first day of the month in which the 23721
county treasurer makes the discovery or determination. The county 23722
treasurer shall notify the certificate holder by ordinary first 23723
class or certified mail or by binary means that the certificate is 23724
void and shall issue the refund. The county auditor shall issue a 23725
warrant for the portion of the refund from the undivided tax fund, 23726
which portion consists of the certificate purchase price, plus any 23727
applicable premium and less any applicable discount; the portion 23728
of the refund consisting of interest and the treasurer's fee, if 23729
any, shall be paid from the tax certificate administration fund. 23730

(C) With respect to a tax certificate ~~sold under section~~ 23732
~~5721.32 of the Revised Code and found to be void under division~~ 23733
~~(A) or (B) of this section, in addition to the remedies available~~ 23734
~~under division (B) of this section,~~ the county treasurer may, with 23735
the approval of the certificate holder, substitute for such tax 23736
certificate ~~or portion thereof~~ another tax certificate that has a 23737
~~value~~ certificate purchase price equivalent to the ~~value~~ 23738
certificate purchase price of the tax certificate found to be 23739
void. In addition, the substitute tax certificate shall be for a 23740
parcel concerning which the county treasurer has taken action 23741
under divisions (A), (B), and (C) of section 5721.31 of the 23742
Revised Code, but with respect to which a tax certificate has not 23743
been sold, and that has a true value, as determined by the county 23744
auditor, that is equivalent to the true value of the parcel for 23745
which the tax certificate has been found to be void. Whenever a 23746
tax certificate ~~of equivalent value~~ is to be substituted for a tax 23747
certificate that has been found to be void, the county treasurer 23748
shall provide ~~written~~ notice of the intention to substitute a tax 23749
certificate ~~of equivalent value~~ to any person required to be 23750
notified under division (I) of section 5721.32 or division (K) of 23751
section 5721.33 of the Revised Code. 23752

(D) If an application for the exemption from and remission of 23753
taxes made under section 3735.67 or 5715.27 of the Revised Code, 23754
or under any other section of the Revised Code under the 23755
jurisdiction of the director of environmental protection, is 23756
granted for a parcel for which a tax certificate has been sold, 23757
the county treasurer shall refund to the certificate holder, in 23758
the manner provided in this section, the amount of any taxes 23759
exempted or remitted that were included in the certificate 23760
purchase price. If the whole amount of the taxes included in the 23761
certificate purchase price are exempted or remitted, the tax 23762
certificate is void. If all of the taxes that were included in the 23763
certificate purchase price are not exempted or remitted, the 23764
county treasurer shall adjust the tax certificate register to 23765
reflect the remaining amount of taxes that were not exempted or 23766
remitted, and notify the certificate holder of the adjustment in 23767
writing. 23768

Sec. 5721.35. (A) Upon the sale and delivery of a tax 23769
certificate, the tax certificate vests in the certificate holder 23770
the first lien previously held by the state and its taxing 23771
districts under section 5721.10 of the Revised Code for the amount 23772
of taxes, assessments, interest, and penalty charged against a 23773
certificate parcel, superior to all other liens and encumbrances 23774
upon the parcel described in the tax certificate, in the amount of 23775
the certificate redemption price, except liens for delinquent 23776
taxes, ~~assessments, penalties, interest, charges, and costs~~ that 23777
attached to the certificate parcel prior to the attachment of the 23778
lien being conveyed by the sale of such tax certificate. With 23779
respect to the priority as among such first liens of the state and 23780
its taxing districts for different years, the priority shall be 23781
determined by the date such first liens of the state and its 23782
taxing districts attached pursuant to section 323.11 of the 23783
Revised Code, with first priority to the earliest attached lien 23784

and each immediately subsequent priority based upon the next 23785
earliest attached lien. 23786

(B)(1) A certificate holder or the county treasurer may 23787
record the tax certificate or memorandum thereof in the office of 23788
the county recorder of the county in which the certificate parcel 23789
is situated, as a mortgage of land under division (A)(2) of 23790
section 317.08 of the Revised Code. The county recorder shall 23791
index the certificate in the indexes provided for under section 23792
317.18 of the Revised Code. If the lien is subsequently canceled, 23793
the cancellation also shall be recorded by the county recorder. 23794

(2) Notwithstanding Chapter 1309., Title LIII, or any other 23795
provision of the Revised Code, a secured party holding a security 23796
interest in a tax certificate or memorandum thereof may perfect 23797
that security interest only by one of the following methods: 23798

(a) Possession; 23799

(b) Registering the tax certificate with the county treasurer 23800
in the name of the secured party, or its agent or custodian, as 23801
certificate holder; 23802

(c) Recording the name of the secured party in the tax 23803
certificate register in the office of the county treasurer of the 23804
county in which the certificate parcel is situated. 23805

Sec. 5721.36. (A)(1) Except as otherwise provided in division 23806
(A)(2) of this section, the purchaser of a tax certificate sold as 23807
part of a block sale pursuant to section 5721.32 of the Revised 23808
Code may transfer the certificate to any person, and any other 23809
purchaser of a tax certificate pursuant to section 5721.32 or 23810
5721.33 of the Revised Code may transfer the certificate to any 23811
person, except the owner of the certificate parcel or any 23812
corporation, partnership, or association in which such owner has 23813
an interest. The transferee of a tax certificate subsequently may 23814

transfer the certificate to any other person to whom the purchaser
could have transferred the certificate. The transferor of a tax
certificate shall endorse the certificate and shall swear to the
endorsement before a notary public or other officer empowered to
administer oaths. The transferee shall present the endorsed
certificate and a notarized copy of a valid form of identification
showing the transferee's taxpayer identification number to the
county treasurer of the county where the certificate is
registered, who shall, upon payment of a fee of twenty dollars to
cover the costs associated with the transfer of a tax certificate,
enter upon the register of certificate holders opposite the
certificate entry the name and address of the transferee, the date
of entry, and, upon presentation to the treasurer of instructions
signed by the transferee, the name and address of any secured
party of the transferee having an interest in the tax certificate.
The treasurer shall deposit the fee in the county treasury to the
credit of the tax certificate administration fund.

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Except as otherwise provided in division (A)(2) of this
section, no request for foreclosure or notice of intent to
foreclose, as the case may be, shall be filed by any person other
than the person shown on the tax certificate register to be the
certificate holder or a private attorney for that person properly
authorized to act in that person's behalf.

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(2) Upon registration of a security interest with the county
treasurer ~~as provided in section 5721.32 or 5721.33 of the Revised
Code~~, both of the following apply:

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(a) No purchaser or transferee of a tax certificate may
transfer that tax certificate except upon presentation to the
treasurer of instructions signed by the secured party authorizing
such action.

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(b) Only the secured party may issue a request for

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foreclosure or notice of intent to foreclose concerning that tax certificate. 23847
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(B)(1) Application may be made to the county treasurer for a duplicate certificate if a certificate is alleged by affidavit to have been lost or destroyed. The treasurer shall issue a duplicate certificate, upon payment of a fee of twenty dollars to cover the costs of issuing the duplicate certificate. The treasurer shall deposit the fee in the county treasury to the credit of the tax certificate administration fund. 23849
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(2) The duplicate certificate shall be plainly marked or stamped "duplicate." 23856
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(3) The treasurer shall enter the fact of the duplicate in the tax certificate register ~~of certificate holders~~. 23858
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Sec. 5721.37. (A)(1) With respect to a tax certificate purchased under section 5721.32 of the Revised Code, or under section 5721.42 of the Revised Code ~~in counties to which by the holder of a certificate issued under~~ section 5721.32 of the Revised Code ~~applies~~, at any time after one year from the date shown on the tax certificate as the date the tax certificate was sold, and not later than three years after that date, the certificate holder may file with the county treasurer a request for foreclosure, or a private attorney on behalf of the certificate holder may file with the county treasurer a notice of intent to foreclose, on a form prescribed by the tax commissioner ~~and provided by the county treasurer~~, provided the certificate parcel has not ~~yet~~ been redeemed under division (A) or (C) of section 5721.38 of the Revised Code and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure or notice of intent to foreclose and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the 23860
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Revised Code. 23878

(2) With respect to a tax certificate purchased under section 23879
5721.33 of the Revised Code, or under section 5721.42 of the 23880
Revised Code ~~in counties to which~~ by the holder of a certificate 23881
issued under section 5721.33 of the Revised Code ~~applies~~, at any 23882
time after one year from the date shown on the tax certificate as 23883
the date the tax certificate was sold, and not later than six 23884
years after that date or any extension of that date pursuant to 23885
division (C)(2) of section 5721.38 of the Revised Code, or not 23886
earlier or later than the dates negotiated by the county treasurer 23887
and specified in the tax certificate sale/purchase agreement, the 23888
certificate holder may file with the county treasurer a request 23889
for foreclosure, or a private attorney on behalf of the 23890
certificate holder may file with the county treasurer a notice of 23891
intent to foreclose, on a form prescribed by the tax commissioner 23892
~~and provided by the county treasurer~~, provided the parcel has not 23893
~~yet~~ been redeemed under division (A) or (C) of section 5721.38 of 23894
the Revised Code and at least one certificate respecting the 23895
certificate parcel, held by the certificate holder filing the 23896
request for foreclosure or notice of intent to foreclose and 23897
eligible to be enforced through a foreclosure proceeding, has not 23898
been voided under section 5721.381 of the Revised Code. 23899

(3)(a) With respect to a tax certificate purchased under 23900
section 5721.32 of the Revised Code, or under section 5721.42 of 23901
the Revised Code ~~in counties to which~~ by the holder of a 23902
certificate issued under section 5721.32 of the Revised Code 23903
~~applies~~, if, before the expiration of three years after the date a 23904
tax certificate was sold, the owner of the property for which the 23905
certificate was sold files a petition in bankruptcy, the county 23906
treasurer, upon being notified of the filing of the petition, 23907
shall notify the certificate holder by ordinary first-class or 23908
certified mail or by binary means of the filing of the petition. 23909

~~If the owner of the property files a petition in bankruptcy, the~~ 23910
It is the obligation of the certificate holder to file a proof of 23911
claim with the bankruptcy court to protect the holder's interest 23912
in the certificate parcel. The last day on which the certificate 23913
holder may file a request for foreclosure or the private attorney 23914
may file a notice of intent to foreclose is the later of three 23915
years after the date the certificate was sold or one hundred 23916
eighty days after the ~~bankruptcy case is closed~~ certificate parcel 23917
is no longer property of the bankruptcy estate; however, the 23918
three-year period ~~being~~ measured from the date ~~that~~ the 23919
certificate was sold is tolled while the ~~owner of the property's~~ 23920
~~petition in bankruptcy is being heard and~~ property owner's 23921
bankruptcy case remains open. 23922

(b) With respect to a tax certificate purchased under section 23923
5721.33 of the Revised Code, or under section 5721.42 of the 23924
Revised Code ~~in counties to which~~ by the holder of a certificate 23925
issued under section 5721.33 of the Revised Code ~~applies~~, if, 23926
before ~~the expiration of~~ six years after the date a tax 23927
certificate was sold or before the date negotiated by the county 23928
treasurer, the owner of the property files a petition in 23929
bankruptcy, the county treasurer, upon being notified of the 23930
filing of the petition, shall notify the certificate holder by 23931
ordinary first-class or certified mail or by binary means of the 23932
filing of the petition. ~~If the owner of the property files a~~ 23933
~~petition in bankruptcy, the~~ It is the obligation of the 23934
certificate holder to file a proof of claim with the bankruptcy 23935
court to protect the holder's interest in the certificate parcel. 23936
The last day on which the certificate holder may file a notice of 23937
intent to foreclose is the later of six years after the date ~~that~~ 23938
the tax certificate was sold or the date negotiated by the county 23939
treasurer, or one hundred eighty days after the ~~bankruptcy case is~~ 23940
~~closed~~ certificate parcel is no longer property of the bankruptcy 23941
estate; however, the six-year or negotiated period being measured 23942

after the date ~~that~~ the certificate was sold is tolled while the 23943
owner of the property's ~~petition in bankruptcy is being heard and~~ 23944
property owner's bankruptcy case remains open. 23945

(c) Interest at the certificate rate of interest continues to 23946
accrue during any extension of time required by division (A)(3)(a) 23947
or (b) of this section unless otherwise provided under Title 11 of 23948
the United States Code. 23949

(4) If, before the expiration of three years from the date a 23950
tax certificate was sold, the owner of property for which the 23951
certificate was sold applies for an exemption under section 23952
3735.67 or 5715.27 of the Revised Code or under any other section 23953
of the Revised Code under the jurisdiction of the director of 23954
environmental protection, the county treasurer shall notify the 23955
certificate holder by ordinary first-class or certified mail or by 23956
binary means of the filing of the application. Once a 23957
determination has been made on the exemption application, the 23958
county treasurer shall notify the certificate holder of the 23959
determination by ordinary first-class or certified mail or by 23960
binary means. The last day on which the certificate holder may 23961
file a request for foreclosure shall be the later of three years 23962
from the date the certificate was sold or forty-five days after 23963
notice of the determination was ~~mailed~~ provided. 23964

(B) ~~Along with~~ When a request for foreclosure or a notice of 23965
intent to foreclose is filed under division (A)(1) or (2) of this 23966
section, ~~or a notice of intent to foreclose filed under division~~ 23967
~~(A)(2) of this section and prior to the transfer of title in~~ 23968
~~connection with foreclosure proceedings filed under division (F)~~ 23969
~~of this section~~, the certificate holder shall submit a payment to 23970
the county treasurer equal to the sum of the following: 23971

(1) The certificate redemption prices of all outstanding tax 23972
certificates that have been sold on the parcel, other than tax 23973
certificates held by the person requesting foreclosure; 23974

(2) Any ~~delinquent~~ taxes, assessments, penalties, interest, 23975
and charges ~~that are~~ appearing on the tax duplicate charged 23976
against the certificate parcel that is the subject of the 23977
foreclosure proceedings and that are not covered by a tax 23978
certificate; 23979

(3) If the foreclosure proceedings are filed by the county 23980
prosecuting attorney pursuant to section 323.25, 5721.14, or 23981
5721.18 of the Revised Code, a fee in the amount prescribed by the 23982
county prosecuting attorney to cover the prosecuting attorney's 23983
legal costs incurred in the foreclosure proceeding; 23984

~~(4) If the foreclosure proceedings are filed by a private 23985
attorney on behalf of the certificate holder pursuant to division 23986
(F) of this section, any other prior liens. 23987~~

(C)(1) With respect to a certificate purchased under section 23988
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 23989
certificate parcel has not been redeemed and at least one 23990
certificate respecting the certificate parcel, held by the 23991
certificate holder filing the request for foreclosure and eligible 23992
to be enforced through a foreclosure proceeding, has not been 23993
voided under section 5721.381 of the Revised Code, the county 23994
treasurer, within five days after receiving a foreclosure request 23995
and the payment required under division (B) of this section, shall 23996
~~inform~~ certify notice to that effect to the county prosecuting 23997
attorney ~~that the parcel has not been redeemed~~ and shall provide a 23998
copy of the foreclosure request. The county treasurer also shall 23999
send notice by ordinary first class or certified mail to all 24000
certificate holders other than the certificate holder requesting 24001
foreclosure that foreclosure has been requested by a certificate 24002
holder and that payment for the tax certificates for the 24003
~~certificate parcel may be redeemed~~ is forthcoming. Within ninety 24004
days of receiving the copy of the foreclosure request, the 24005
prosecuting attorney shall commence a foreclosure proceeding in 24006

the name of the county treasurer in the manner provided under 24007
section 323.25, 5721.14, or 5721.18 of the Revised Code, to 24008
~~foreclose~~ enforce the lien vested in the certificate holder by the 24009
certificate. The prosecuting attorney shall attach to the 24010
complaint the foreclosure request and the county treasurer's 24011
written certification ~~that the parcel has not been redeemed.~~ 24012

(2) With respect to a certificate purchased under section 24014
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 24015
certificate parcel has not been redeemed ~~and, at least one~~ 24016
certificate respecting the certificate parcel, held by the 24017
certificate holder filing the notice of intent to foreclose and 24018
eligible to be enforced through a foreclosure proceeding, has not 24019
been voided under section 5721.381 of the Revised Code, a notice 24020
of intent to foreclose has been filed, and the payment required 24021
under division (B) of this section has been made, the county 24022
treasurer shall ~~provide certification~~ certify notice to that 24023
effect to the private attorney ~~that the parcel has not been~~ 24024
~~redeemed.~~ The county treasurer also shall send notice by ordinary 24025
first class or certified mail or by binary means to all 24026
certificate holders other than the certificate holder represented 24027
by the attorney that a notice of intent to foreclose has been 24028
filed and that payment for the tax certificates ~~for the~~ 24029
~~certificate parcel may be redeemed~~ is forthcoming. After receipt 24030
of ~~that~~ the treasurer's certification and not later than one 24031
hundred twenty days after the filing of the intent to foreclose or 24032
the number of days specified under the terms of a negotiated sale 24033
under section 5721.33 of the Revised Code, the private attorney 24034
~~may~~ shall commence a foreclosure proceeding in the name of the 24035
certificate holder in the manner provided under division (F) of 24036
this section, ~~to foreclose~~ enforce the lien vested in the 24037
certificate holder by the certificate. The private attorney shall 24038
attach to the complaint the notice of intent to foreclose and the 24039

county treasurer's written certification ~~that the parcel has not~~ 24040
~~been redeemed.~~ 24041

(D) The county treasurer shall credit the amount received 24042
under division (B)(1) of this section to the tax certificate 24043
redemption fund. The tax certificates respecting the payment shall 24044
be ~~redeemed~~ paid as provided in division ~~(E)(D)~~ of section 5721.38 24045
of the Revised Code. The amount received under division (B)(2) of 24046
this section shall be distributed to the taxing districts to which 24047
the ~~delinquencies~~ delinquent and unpaid amounts are owed. The 24048
county treasurer shall deposit the fee received under division 24049
(B)(3) of this section in the county treasury to the credit of the 24050
delinquent tax and assessment collection fund. ~~The amount received~~ 24051
~~under division (B)(4) of this section shall be distributed to the~~ 24052
~~holder of the prior lien.~~ 24053

(E)(1) If, in the case of a certificate purchased under 24054
section 5721.32 ~~or 5721.42~~ of the Revised Code, or under section 24055
5721.42 of the Revised Code by the holder of a certificate issued 24056
under section 5721.32 of the Revised Code, the certificate holder 24057
does not file with the county treasurer a request for foreclosure 24058
or a notice of intent to foreclose ~~along~~ with the required payment 24059
within three years after the date shown on the tax certificate as 24060
the date the certificate was sold or within the period provided 24061
under division (A)(3)(a) of this section, and during that ~~period~~ 24062
time the certificate has not been voided under section 5721.381 of 24063
the Revised Code and the parcel is ~~is~~ has not been redeemed or 24064
foreclosed upon, the certificate holder's lien against the parcel 24065
~~for the certificate redemption price is canceled, and the~~ 24066
certificate is voided. 24067

(2)(a) If, in the case of a certificate purchased under 24068
section 5721.33 of the Revised Code, or under section 5721.42 of 24069
the Revised Code by the holder of a certificate issued under 24070
section 5721.33 of the Revised Code, the certificate holder does 24071

not file with the county treasurer a request for foreclosure or a 24072
notice of intent to foreclose with respect to a certificate parcel 24073
with the required payment within six years after the date shown on 24074
the tax certificate as the date the certificate was sold or any 24075
extension of that date pursuant to division (C)(2) of section 24076
5721.38 of the Revised Code, or within the period provided under 24077
division (A)(3)(b) of this section or as specified under the terms 24078
of a negotiated sale under section 5721.33 of the Revised Code, 24079
and during that ~~period~~ time the ~~parcel is not redeemed~~ certificate 24080
has not been voided under section 5721.381 of the Revised Code and 24081
the certificate parcel has not been redeemed or foreclosed upon, 24082
the certificate holder's lien against the parcel ~~for the amount of~~ 24083
~~delinquent taxes, assessments, penalties, interest, and charges~~ 24084
~~that make up the certificate purchase price~~ is canceled and the 24085
certificate is voided, subject to division (E)(2)(b) of this 24086
section. 24087

(b) In the case of any tax certificate purchased under 24088
section 5721.33 of the Revised Code prior to October 10, 2000, the 24089
county treasurer, upon application by the certificate holder, may 24090
sell to the certificate holder a new certificate extending the 24091
three-year period prescribed by division (E)(2) of this section, 24092
as that division existed prior to October 10, 2000, to six years 24093
after the date shown on the original certificate as the date it 24094
was sold or any extension of that date. The county treasurer and 24095
the certificate holder shall negotiate the premium, in cash, to be 24096
paid for the new certificate sold under this section. If the 24097
county treasurer and certificate holder do not negotiate a 24098
mutually acceptable premium, the county treasurer and certificate 24099
holder may agree to engage a person experienced in the valuation 24100
of financial assets to appraise a fair premium for the new 24101
certificate. The certificate holder has the option to purchase the 24102
new certificate for the fair premium so appraised. Not less than 24103
one-half of the fee of the person so engaged shall be paid by the 24104

certificate holder requesting the new certificate; the remainder 24105
of the fee shall be paid from the proceeds of the sale of the new 24106
certificate. If the certificate holder does not purchase the new 24107
certificate for the premium so appraised, the certificate holder 24108
shall pay the entire fee. The county treasurer shall credit the 24109
remaining proceeds from the sale to the items of taxes, 24110
assessments, penalties, interest, and charges in the order in 24111
which they became due. 24112

A certificate issued under this division vests in the 24113
certificate holder and its secured party, if any, the same rights, 24114
interests, privileges, and immunities as are vested by the 24115
original certificate under sections 5721.30 to 5721.43 of the 24116
Revised Code, except that interest payable under division (B) of 24117
section 5721.38 or division ~~(B)~~(D)(2) of section 5721.39 of the 24118
Revised Code shall be subject to the amendments to those divisions 24119
by Sub. H.B. 533 of the 123rd general assembly. The certificate 24120
shall be issued in the same form as the form prescribed for the 24121
original certificate issued except for any modifications 24122
necessary, in the county treasurer's discretion, to reflect the 24123
extension under this division of the certificate holder's lien to 24124
six years after the date shown on the original certificate as the 24125
date it was sold or any extension of that date. The certificate 24126
holder may record a certificate issued under division (E)(2)(b) of 24127
this section or memorandum thereof as provided in division (B) of 24128
section 5721.35 of the Revised Code, and the county recorder shall 24129
index the certificate and record any subsequent cancellation of 24130
the lien as provided in that section. The sale of a certificate 24131
extending the lien under division (E)(2)(b) of this section does 24132
not impair the right of redemption of the owner of record of the 24133
certificate parcel or of any other person entitled to redeem the 24134
property. 24135

(3) If the holder of a certificate purchased under section 24136

5721.32, 5721.33, or 5721.42 of the Revised Code submits a notice 24137
of intent to foreclose to the county treasurer but fails to file a 24138
foreclosure action in a court of competent jurisdiction within the 24139
time specified in division (C)(2) of this section, the liens 24140
represented by all tax certificates respecting the certificate 24141
parcel held by that certificate holder, and for which the deadline 24142
for filing a notice of intent to foreclose has passed, are 24143
canceled and the certificates voided, and the certificate holder 24144
forfeits the payment of the amounts described in division (B)(2) 24145
of this section. 24146

(F) With respect to tax certificates purchased under section 24147
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 24148
delivery to the ~~certificate holder~~ private attorney by the county 24149
treasurer of the certification provided for under division (C)(2) 24150
of this section, a the private attorney ~~may~~ shall institute a 24151
foreclosure proceeding under this division in the name of the 24152
certificate holder to ~~foreclose such~~ enforce the holder's lien, in 24153
any court with jurisdiction, unless the certificate redemption 24154
price is paid prior to the time a complaint is filed. The attorney 24155
shall prosecute the proceeding to final judgment and satisfaction, 24156
whether through sale of the property or the vesting of title and 24157
possession in the certificate holder. 24158

The foreclosure proceedings under this division, except as 24159
otherwise provided in this division, shall be instituted and 24160
prosecuted in the same manner as is provided by law for the 24161
foreclosure of mortgages on land, except that, if service by 24162
publication is necessary, such publication shall be made once a 24163
week for three consecutive weeks and the service shall be complete 24164
at the expiration of three weeks after the date of the first 24165
publication. 24166

Any notice given under this division shall include the name 24167
of the owner of the parcel as last set forth in the records of the 24168

county recorder, the owner's last known mailing address, the 24169
address of the subject parcel if different from that of the owner, 24170
and a complete legal description of the subject parcel. In any 24171
county that has adopted a permanent parcel number system, such 24172
notice may include the permanent parcel number in addition to a 24173
complete legal description. 24174

It is sufficient, having been made a proper party to the 24175
foreclosure proceeding, for the certificate holder to allege in 24176
such holder's complaint that the tax certificate has been duly 24177
purchased by the certificate holder, that the certificate 24178
redemption price ~~appearing to be due and unpaid~~ is due and unpaid, 24179
and that there is a lien against the property described in the tax 24180
certificate, without setting forth in such holder's complaint any 24181
other special matter relating to the foreclosure proceeding. The 24182
~~prayer of the complaint shall be that the court issue an order~~ 24183
~~that the property be sold by the sheriff or, if the action is in~~ 24184
~~the municipal court, by the bailiff, complaint shall pray for an~~ 24185
~~order directing the sheriff, or the bailiff if the complaint is~~ 24186
~~filed in municipal court, to offer the property for sale in the~~ 24187
manner provided in section 5721.19 of the Revised Code, unless the 24188
complaint ~~includes an appraisal by an independent appraiser~~ 24189
~~acceptable to documents that the court county auditor has~~ 24190
~~determined~~ that the true value of the certificate parcel is less 24191
than the certificate purchase price. In that case, the prayer of 24192
the complaint shall ~~be~~ request that fee simple title to the 24193
property be transferred to and vested in the certificate holder 24194
free and clear of all subordinate liens. 24195

In the foreclosure proceeding, the certificate holder may 24196
join in one action any number of tax certificates relating to the 24197
same owner, ~~provided that all parties on each of the tax~~ 24198
~~certificates are identical as to name and priority of interest.~~ 24199
However, the decree for each tax certificate shall be rendered 24200

separately and any proceeding may be severed, in the discretion of 24201
the court, for the purpose of trial or appeal. ~~The~~ Upon 24202
confirmation of sale, the court shall order payment of all costs 24203
related directly or indirectly to ~~the redemption of~~ the tax 24204
certificate, including, without limitation, attorney's fees of the 24205
holder's attorney, ~~as is considered proper~~ in accordance with 24206
section 5721.371 of the Revised Code. The tax certificate 24207
purchased by the certificate holder is presumptive evidence in all 24208
courts and in all proceedings, including, without limitation, at 24209
the trial of the foreclosure action, of the amount and validity of 24210
the taxes, assessments, charges, penalties by the court and added 24211
to such principal amount, and interest appearing due and unpaid 24212
and of their nonpayment. 24213

~~(G) For the purposes of this section, "prior liens" means~~ 24214
~~liens that are prior in right to the lien with respect to the tax~~ 24215
~~certificate that is the subject of the foreclosure proceedings.~~ 24216

~~(H)~~ If a parcel is sold under this section, the officer who 24217
conducted the sale shall collect the recording fee from the 24218
purchaser at the time of the sale and, following confirmation of 24219
the sale, shall prepare and record the deed conveying the title to 24220
the parcel to the purchaser. 24221

Sec. 5721.371. Private attorney's fees payable with respect 24222
to an action under sections 5721.30 to 5721.46 of the Revised Code 24223
are subject to the following conditions: 24224

(A) The fees must be reasonable. 24225

(B) Fees exceeding two thousand five hundred dollars shall be 24226
paid only if authorized by a court order. 24227

(C) The terms of a sale negotiated under section 5721.33 of 24228
the Revised Code may include the amount to be paid in private 24229
attorney's fees, subject to division (B) of this section. 24230

Sec. 5721.38. (A) At any time prior to payment to the county treasurer by the certificate holder to initiate foreclosure proceedings under division (B) of section 5721.37 of the Revised Code, the owner of record of the certificate parcel, or any other person entitled to redeem that parcel, may redeem the parcel by paying to the county treasurer an amount equal to the total of the certificate redemption prices of all tax certificates respecting that parcel.

(B) At any time after payment to the county treasurer by the certificate holder to initiate foreclosure proceedings under section 5721.37 of the Revised Code and prior to the filing of the entry of confirmation of sale of a certificate parcel under foreclosure proceedings filed by the county prosecuting attorney or prior to the decree conveying title to the certificate holder as provided for in division (F) of section 5721.37 of the Revised Code, the owner of record of the certificate parcel or any other person entitled to redeem that parcel may redeem the parcel by paying to the county treasurer the sum of the following amounts:

(1) The amount described in division (A) of this section;

(2) Interest on the certificate purchase price for each tax certificate sold respecting the parcel at the rate of eighteen per cent per year for the period beginning on the day on which the payment was submitted by the certificate holder and ending on the day the parcel is redeemed under this division, ~~except that such interest shall not accrue for more than three years after the day the certificate was purchased if the certificate holder did not submit payment under division (B) of section 5721.37 of the Revised Code before the end of that three year period;~~

(3) An amount equal to the sum of the county prosecuting attorney's fee under division (B)(3) of section 5721.37 of the Revised Code ~~if the tax certificate was purchased under section~~

~~5721.32 or 5721.42 of the Revised Code plus interest on that~~ 24262
~~amount at the rate of eighteen per cent per year beginning on the~~ 24263
~~day on which the payment was submitted by the certificate holder~~ 24264
~~and ending on the day the parcel is redeemed under this division.~~ 24265
If the parcel is redeemed before the complaint has been filed, the 24266
prosecuting attorney shall adjust the fee to reflect services 24267
performed to the date of redemption, and the county treasurer 24268
shall calculate the interest based on the adjusted fee and refund 24269
any excess fee to the certificate holder. 24270

(4) Reasonable attorney's fees in accordance with section 24271
5721.371 of the Revised Code if the certificate holder retained a 24272
private attorney to foreclose the lien; 24273

(5) Any other costs and fees of the proceeding allocable to 24274
the certificate parcel as determined by the court. ~~Upon~~ 24275

The county treasurer may collect the total amount due under 24276
divisions (B)(1) to (5) of this section in the form of guaranteed 24277
funds acceptable to the treasurer. Immediately upon receipt of 24278
such payments, the county treasurer shall ~~refund the payment made~~ 24279
~~by~~ reimburse the certificate holder ~~to initiate~~ who initiated 24280
foreclosure proceedings as provided in division (D) of this 24281
section. The county treasurer shall pay the certificate holder 24282
interest at the rate of eighteen per cent per year on amounts paid 24283
under divisions (B)(2) and (3) of section 5721.37 of the Revised 24284
Code, beginning on the day the certificate holder paid the amounts 24285
under those divisions and ending on the day the parcel is redeemed 24286
under this section. 24287

(C)(1) During the period beginning on the date a tax 24288
certificate is sold under section 5721.32 of the Revised Code and 24289
ending one year from that date, the county treasurer may enter 24290
into a redemption payment plan with the owner of record of the 24291
certificate parcel or any other person entitled to redeem that 24292
parcel. The plan shall require the owner or other person to pay 24293

the certificate redemption price for the tax certificate in 24294
installments, with the final installment due no later than one 24295
year after the date the tax certificate is sold. The certificate 24296
holder may at any time, by written notice to the county treasurer, 24297
agree to accept installments collected to the date of notice as 24298
payment in full. Receipt of such notice by the treasurer shall 24299
constitute satisfaction of the payment plan and redemption of the 24300
tax certificate. 24301

(2) During the period beginning on the date a tax certificate 24302
is sold under section 5721.33 of the Revised Code and ending on 24303
the date the decree is rendered on the foreclosure proceeding 24304
under division (F) of section 5721.37 of the Revised Code, the 24305
owner of record of the certificate parcel, or any other person 24306
entitled to redeem that parcel, may enter into a redemption 24307
payment plan with the certificate holder and all secured parties 24308
of the certificate holder. The plan shall require the owner or 24309
other person to pay the certificate redemption price for the tax 24310
certificate, an administrative fee not to exceed one hundred 24311
dollars per year, and the actual fees and costs incurred, in 24312
installments, with the final installment due no later than ~~three~~ 24313
six years after the date the tax certificate is sold. The 24314
certificate holder shall give written notice of the plan to the 24315
applicable county treasurer within sixty days after entering into 24316
the plan and written notice of default under the plan within 24317
ninety days after the default. If such a plan is entered into, the 24318
time period for filing a request for foreclosure or a notice of 24319
intent to foreclose under section 5721.37 of the Revised Code is 24320
extended by the length of time the plan is in effect and not in 24321
default. 24322

(D)(1) Immediately upon receipt of full payment under 24323
division (A) or (B) of this section, the county treasurer shall 24324
make an entry to that effect in the tax certificate register, 24325

credit the payment to the tax certificate redemption fund created 24326
in the county treasury, and shall notify each the certificate 24327
holder or holders by ordinary first class or certified mail, 24328
~~return receipt requested, or by binary means~~ that the parcel has 24329
been redeemed and the lien or liens canceled, and that ~~the tax~~ 24330
~~certificates may be redeemed. The county treasurer shall deposit~~ 24331
~~into the tax certificate redemption fund created in the county~~ 24332
~~treasury an amount equal to the total of the certificate~~ 24333
~~redemption prices, together with interest on the certificate~~ 24334
~~purchase price for each tax certificate sold respecting the parcel~~ 24335
~~at the rate of eighteen per cent per year paid under division (B)~~ 24336
~~of this section for the period beginning when the payment was~~ 24337
~~submitted by the certificate holder under division (B) of section~~ 24338
~~5721.37 of the Revised Code and ending when the parcel was~~ 24339
~~redeemed. The payment on the certificate or certificates is~~ 24340
forthcoming. The treasurer shall pay the tax certificate holder or 24341
holders promptly. 24342

The county treasurer shall administer the tax certificate 24343
redemption fund for the purpose of redeeming tax certificates. 24344
Interest earned on the fund shall be credited to the county 24345
general fund. 24346

(2) If a redemption payment plan is entered into pursuant to 24347
division (C)(1) of this section, the county treasurer immediately 24348
shall notify each certificate holder by ordinary first class or 24349
certified mail, ~~return receipt requested,~~ or by binary means of 24350
the terms of the plan. Installment payments made pursuant to the 24351
plan shall be deposited in the tax certificate redemption fund. 24352
Any overpayment of the installments shall be refunded to the 24353
person responsible for causing the overpayment if the person 24354
applies for a refund under this section. If the person responsible 24355
for causing the overpayment fails to apply for a refund under this 24356
section within five years from the date the plan is satisfied, an 24357

amount equal to the overpayment shall be deposited into the 24358
general fund of the county. 24359

Upon satisfaction of the plan, the county treasurer shall 24360
indicate in the tax certificate register that the plan has been 24361
satisfied, and shall notify each certificate holder by ordinary 24362
first class or certified mail, return receipt requested, or by 24363
binary means that the plan has been satisfied and that ~~tax~~ 24364
~~certificates may be redeemed~~ payment on the certificate or 24365
certificates is forthcoming. The treasurer shall pay each 24366
certificate holder promptly. 24367

If a redemption payment plan becomes void, the county 24368
treasurer ~~immediately~~ shall notify each certificate holder by 24369
ordinary first class or certified mail, return receipt requested 24370
or by binary means. If a certificate holder files a request for 24371
foreclosure under section 5721.37 of the Revised Code, upon the 24372
filing of the request for foreclosure, any money paid under the 24373
plan shall be refunded to the person that paid the money under the 24374
plan. 24375

~~(E) To redeem a tax certificate with respect to which payment~~ 24376
~~has been made in full under division (A), (B), or (C)(1) of this~~ 24377
~~section or division (B)(1) of section 5721.37 of the Revised Code,~~ 24378
~~the certificate holder shall present the tax certificate to the~~ 24379
~~county treasurer, who shall prepare the redemption information.~~ 24380
~~Upon presentation, the county auditor shall draw a warrant on the~~ 24381
~~tax certificate redemption fund in the amount of the certificate~~ 24382
~~redemption price and any applicable interest payable at the rate~~ 24383
~~of eighteen per cent annually on the certificate under division~~ 24384
~~(B) of this section. For a parcel that was redeemed under division~~ 24385
~~(B) of this section, the certificate holder who paid the amounts~~ 24386
~~under division (B) of section 5721.37 of the Revised Code shall be~~ 24387
~~reimbursed for those amounts, together with interest at the rate~~ 24388
~~of eighteen per cent per year on the amount paid under division~~ 24389

~~(B)(1) of that section for the period beginning when the payment
was submitted by the certificate holder under division (B) of that
section and ending when the parcel was redeemed. The treasurer
shall mark all copies of the tax certificate "redeemed" and return
the certificate to the certificate holder. The canceled
certificate shall serve as a receipt evidencing redemption of the
tax certificate. If a certificate holder fails to redeem a tax
certificate within five years after notice is served under
division (D) of this section that tax certificates may be
redeemed, an amount equal to the certificate redemption price and
any applicable interest payable at the rate of eighteen per cent
annually on the certificate under division (B) of this section
shall be deposited into the general fund of the county.~~

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(3) Upon receipt of the payment required under division
(B)(1) of section 5721.37 of the Revised Code, the treasurer shall
pay all other certificate holders and indicate in the tax
certificate register that such certificates have been satisfied.

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Sec. 5721.381. (A) At any time prior to payment to the county
treasurer by a certificate holder to initiate foreclosure
proceedings under division (B) of section 5721.37 of the Revised
Code, the owner of record of the certificate parcel or any other
person entitled to redeem that parcel may pay the county treasurer
the certificate redemption price for the tax certificate with the
oldest lien against the parcel. Such a payment cancels that lien
and voids the certificate. Upon receipt of the payment, the county
treasurer shall make an entry to that effect in the tax
certificate register, shall deposit the payment to the credit of
the tax certificate redemption fund, and shall notify the
certificate holder by ordinary first class or certified mail or by
binary means that the lien has been canceled and that payment on
the certificate is forthcoming. The treasurer shall pay the holder

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of that certificate promptly. 24422

(B) A person who makes a payment to the county treasurer under division (A) of this section for the tax certificate with the oldest lien may make additional payments under that division for other tax certificates related to the parcel, in priority order based on the earliest date of attachment of the liens. 24423
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(C) A property owner or other person shall make, and the county treasurer shall accept and apply, payments under this section only in priority order based on the earliest date of attachment of the liens. 24428
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Sec. 5721.39. (A) In its judgment of foreclosure rendered with respect to in actions filed pursuant to section 5721.37 of the Revised Code, the court shall enter a finding that includes all of the following with respect to the certificate parcel of the: 24432
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(1) The amount of the sum of the certificate redemption prices ~~respecting~~ for all the tax certificates sold against the parcel; ~~interest~~ 24437
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(2) Interest on the certificate purchase prices of ~~those~~ all certificates at the rate of eighteen per cent per year for the period beginning on the day on which the payment was submitted by the certificate holder under division (B) of section 5721.37 of the Revised Code; 24440
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(3) The amount paid under division (B)(2) of section 5721.37 of the Revised Code, plus interest at the rate of eighteen per cent per year for the period beginning on the day the certificate holder filed a request for foreclosure or a notice of intent to foreclose under division (A) of that section; ~~any~~ 24445
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(4) ~~Any delinquent taxes, assessments, penalties, interest, and charges~~ on the parcel that are not covered by a ~~tax~~ 24450
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~~certificate payment under division (B)(2) of section 5721.37 of
the Revised Code; and fees~~ 24452
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(5) Fees and costs incurred in the foreclosure proceeding 24454
instituted against the parcel, including, without limitation, the 24455
fees and costs of the prosecuting attorney represented by the fee 24456
paid under division (B)(3) of section 5721.37 of the Revised Code, 24457
plus interest as provided in division (D)(2)(d) of this section, 24458
or the fees and costs of the private attorney representing the 24459
certificate holder, and charges paid or incurred in procuring 24460
title searches and abstracting services relative to the subject 24461
premises. ~~The~~ 24462

(B) The court may order the certificate parcel to be sold, 24463
without appraisal and as set forth in the prayer of the complaint, 24464
for not less than the amount of its finding, or, in the event ~~that~~ 24465
~~the court finds~~ that the true value of the certificate parcel as 24466
determined by the county auditor is less than the certificate 24467
~~purchase~~ redemption price, the court may, as prayed for in the 24468
complaint, issue a decree transferring fee simple title free and 24469
clear of all subordinate liens to the certificate holder. A decree 24470
of the court transferring fee simple title to the certificate 24471
holder is forever a bar to all rights of redemption with respect 24472
to the certificate parcel. 24473

(C) Each certificate parcel shall be advertised and sold by 24474
the officer to whom the order of sale is directed in the manner 24475
provided by law for the sale of real property on execution. The 24476
advertisement for sale of certificate parcels shall be published 24477
once a week for three consecutive weeks and shall include the date 24478
on which a second sale will be conducted if no bid is accepted at 24479
the first sale. Any number of parcels may be included in one 24480
advertisement. 24481

Whenever the officer charged to conduct the sale offers a 24482
certificate parcel for sale and no bids are made equal to at least 24483

the amount of the court's finding, the officer shall adjourn the 24484
sale of the parcel to the second date that was specified in the 24485
advertisement of sale. The second sale shall be held at the same 24486
place and commence at the same time as set forth in the 24487
advertisement of sale. The officer shall offer any parcel not sold 24488
at the first sale. Upon the conclusion of any sale, or if any 24489
parcel remains unsold after being offered at two sales, the 24490
officer conducting the sale shall report the results to the court. 24491

(D) Upon the confirmation of a sale, the proceeds of the sale 24492
shall be applied as follows: 24493

~~(A)(1)~~ The fees and costs incurred in the proceeding filed 24494
against the parcel pursuant to section 5721.37 of the Revised Code 24495
~~, not including shall be paid first, including attorney's fees of~~ 24496
~~the certificate holder's attorney payable under division (F) of~~ 24497
~~that section, or~~ the county prosecutor's costs covered by the fee 24498
paid by the certificate holder under division (B)(3) of that 24499
section, ~~shall be paid first.~~ 24500

~~(B)(2)~~ Following the payment required by division ~~(A)(D)(1)~~ 24501
of this section, the certificate holder that ~~requested the~~ 24502
~~foreclosure~~ filed the notice of intent to foreclose or request for 24503
foreclosure with the county treasurer shall be paid the sum of the 24504
following amounts: 24505

~~(1)(a)~~ The sum of the amount found due for the certificate 24506
redemption prices of all the tax certificates, ~~other than those~~ 24507
~~certificates described in division (B)(1) of section 5721.37 of~~ 24508
~~the Revised Code,~~ that are sold against the parcel ~~to the~~ 24509
~~certificate holder requesting a notice of foreclosure;~~ 24510

~~(2)(b)~~ Any premium paid by the certificate holder at the time 24511
of purchase; 24512

~~(3)(c)~~ Interest on the amounts paid by the certificate holder 24513
under division (B)(1) of section 5721.37 of the Revised Code at 24514

the rate of eighteen per cent per year beginning on the day on 24515
which the payment was submitted by the certificate holder to the 24516
county treasurer and ending on the day immediately preceding the 24517
day on which the proceeds of the foreclosure sale are paid to the 24518
certificate holder; 24519

~~(4)~~(d) Interest on the amounts paid by the certificate holder 24520
under divisions (B)(2) and (3) of section 5721.37 of the Revised 24521
Code at the rate of eighteen per cent per year beginning on the 24522
day on which the payment was submitted by the certificate holder 24523
under divisions (B)(2) and (3) of that section ~~5721.37 of the~~ 24524
~~Revised Code~~ and ending on the day immediately preceding the day 24525
on which the proceeds of the foreclosure sale are paid to the 24526
certificate holder pursuant to this section, except that such 24527
interest shall not accrue for more than three years if the 24528
certificate was sold under section 5721.32 of the Revised Code, or 24529
under section 5721.42 of the Revised Code by the holder of a 24530
certificate issued under section 5721.32 of the Revised Code, or 24531
more than six years if the certificate was sold under section 24532
5721.33 of the Revised Code, or under section 5721.42 of the 24533
Revised Code by the holder of a certificate issued under section 24534
5721.33 of the Revised Code, after the day the amounts were paid 24535
by the certificate holder under divisions (B)(2) and (3) of 24536
section 5721.37 of the Revised Code ~~if the certificate holder did~~ 24537
~~not submit that payment before the end of that six year period;~~ 24538

~~(5)~~(e) The amounts paid by the certificate holder under 24539
divisions (B)(1), (2), and (3) of section 5721.37 of the Revised 24540
Code. 24541

~~(C)~~(3) Following the payment required by division ~~(B)~~(D)(2) 24542
of this section, any amount due for taxes, assessments, charges, 24543
penalties, and interest not covered by the tax certificate 24544
holder's payment under division (B)(2) of section 5721.37 of the 24545
Revised Code shall be paid, including all taxes, assessments, 24546

charges, penalties, and interest payable subsequent to the entry 24547
of the finding and prior to the transfer of the deed of the parcel 24548
to the purchaser following confirmation of sale. If the proceeds 24549
available for distribution pursuant to this division are 24550
insufficient to pay the entire amount of those taxes, assessments, 24551
charges, penalties, and interest, the proceeds shall be paid to 24552
each claimant in proportion to the amount of those taxes, 24553
assessments, charges, penalties, and interest that each is due, 24554
and those taxes, assessments, charges, penalties, and interest are 24555
deemed satisfied and shall be removed from the tax list and 24556
duplicate. 24557

(4) Any residue of money from proceeds of the sale shall be 24558
disposed of as prescribed by section 5721.20 of the Revised Code. 24559

(E) Unless the parcel previously was redeemed pursuant to 24560
section 5721.25 or 5721.38 of the Revised Code, upon the filing of 24561
the entry of confirmation of sale, the title to the parcel is 24562
incontestable in the purchaser and is free and clear of all liens 24563
and encumbrances, except a federal tax lien, notice of which lien 24564
is properly filed in accordance with section 317.09 of the Revised 24565
Code prior to the date that a foreclosure proceeding is instituted 24566
pursuant to section 5721.37 of the Revised Code, and which lien 24567
was foreclosed in accordance with 28 U.S.C.A. 2410(c), and except 24568
for the easements and covenants of record running with the land or 24569
lots that were created prior to the time the taxes or assessments, 24570
for the nonpayment of which a tax certificate was issued and the 24571
parcel sold at foreclosure, became due and payable. 24572

The title shall not be invalid because of any irregularity, 24573
informality, or omission of any proceedings under this chapter or 24574
in any processes of taxation, if such irregularity, informality, 24575
or omission does not abrogate the provision for notice to holders 24576
of title, lien, or mortgage to, or other interests in, such 24577
foreclosed parcels, as prescribed in this chapter. 24578

Sec. 5721.40. If any tax certificate parcel is twice offered 24579
for sale pursuant to section 5721.39 of the Revised Code and 24580
remains unsold for want of bidders, the officer who conducted the 24581
sales shall certify to the court that the parcel remains unsold 24582
after two sales. The court, by entry, shall order the parcel 24583
forfeited to the certificate holder who filed the request for 24584
foreclosure or notice of intent to foreclose under section 5721.37 24585
of the Revised Code. The clerk of the court shall certify copies 24586
of the court's order to the county treasurer. The county treasurer 24587
shall notify the certificate holder by ordinary and certified 24588
mail, return receipt requested, that the parcel remains unsold, 24589
and shall instruct the certificate holder of the manner in which 24590
the holder shall obtain the deed to the parcel. The officer who 24591
conducted the sales shall prepare and record the deed conveying 24592
title to the parcel to the certificate holder. 24593

Upon transfer of the deed to the certificate holder under 24594
this section, all right, title, claim, and interest in the 24595
certificate parcel are transferred to and vested in the 24596
certificate holder. The title to the parcel is incontestable in 24597
the certificate holder and is free and clear of all liens and 24598
encumbrances, except the following: 24599

(A) A federal tax lien, notice of which was properly filed in 24600
accordance with section 317.09 of the Revised Code prior to the 24601
date that the foreclosure proceeding was instituted under section 24602
5721.37 of the Revised Code and which was foreclosed in accordance 24603
with 28 U.S.C. 2410(c); 24604

(B) Easements and covenants of record running with the land 24605
that were created prior to the time the taxes or assessments, for 24606
the nonpayment of which a tax certificate was issued, became due 24607
and payable. 24608

Sec. 5721.41. ~~Interest~~ All interest required under sections 24609
5721.30 to 5721.43 of the Revised Code is simple interest, to be 24610
calculated on a principal amount and not compounded on earned 24611
interest. The interest charged shall equal one-twelfth of the 24612
annual interest rate multiplied by the principal amount. Interest 24613
charges under those sections shall accrue on a monthly basis, on 24614
the first day of the month following the beginning of the period 24615
during which interest accrues and on the first day of each 24616
subsequent month. Notwithstanding the preceding sentence, the six 24617
per cent charge described in division (E)(1)(b) of section 5721.30 24618
of the Revised Code shall apply even if the tax certificate is 24619
redeemed before the first day of the month following the date that 24620
the certificate is purchased. 24621

Sec. 5721.42. ~~Not less than sixty nor more than ninety days~~ 24622
~~following the date set by~~ After the settlement required under 24623
division (C) of section 323.12 or 323.17 321.24 of the Revised 24624
Code ~~for the payment of the second installment of current taxes,~~ 24625
the county treasurer shall notify the certificate holder of the 24626
most recently issued tax certificate, by ordinary first class or 24627
certified mail or by binary means, that the certificate holder may 24628
pay purchase a subsequent tax certificate by paying all delinquent 24629
taxes, ~~assessments, penalties, interest, and charges~~ on the 24630
related certificate parcel, the lien against which has not been 24631
transferred by the sale of a tax certificate. During the thirty 24632
days after receiving the notice, the certificate holder possesses 24633
the exclusive right to purchase the subsequent tax certificate by 24634
paying those amounts to the county treasurer. The amount of the 24635
payment shall constitute a separate lien against the certificate 24636
parcel that shall be evidenced by the issuance by the treasurer to 24637
the certificate holder of an additional tax certificate with 24638
respect to the delinquent taxes, ~~assessments, penalties, interest,~~ 24639

and fees so paid on the related certificate parcel. The amount of 24640
the payment as set forth in the tax certificate shall earn 24641
interest at the rate of eighteen per cent per year. 24642

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Sec. 5721.43. (A) ~~No~~ Without the prior written consent of the 24644
county treasurer, no person shall directly, through an agent, or 24645
otherwise, initiate contact with the owner of a parcel with 24646
respect to which the person holds a tax certificate to encourage 24647
or demand payment before one year has elapsed following the 24648
purchase of the certificate. 24649

(B) A county treasurer may bar any person who violates 24650
division (A) of this section from bidding at a tax certificate 24651
sale conducted by the treasurer. 24652

(C)(1) The attorney general or county prosecuting attorney, 24653
upon written request of a county treasurer, shall bring an action 24654
for an injunction against any person who has violated, is 24655
violating, or is threatening to violate division (A) of this 24656
section. 24657

(2) Any person who violates division (A) of this section 24658
shall be assessed a civil penalty of not more than five thousand 24659
dollars for each offense to be paid into the state treasury to the 24660
credit of the general revenue fund. Upon written request of a 24661
county treasurer, the attorney general or county prosecuting 24662
attorney shall commence an action against any such violator. Any 24663
action under this division is a civil action, governed by the 24664
Rules of Civil Procedure and other rules of practice and procedure 24665
applicable to civil actions. 24666

Sec. 5727.84. (A) As used in this section and sections 24667
5727.85, 5727.86, and 5727.87 of the Revised Code: 24668

(1) "School district" means a city, local, or exempted 24669

village school district. 24670

(2) "Joint vocational school district" means a joint 24671
vocational school district created under section 3311.16 of the 24672
Revised Code, and includes a cooperative education school district 24673
created under section 3311.52 or 3311.521 of the Revised Code and 24674
a county school financing district created under section 3311.50 24675
of the Revised Code. 24676

(3) "Local taxing unit" means a subdivision or taxing unit, 24677
as defined in section 5705.01 of the Revised Code, a park district 24678
created under Chapter 1545. of the Revised Code, or a township 24679
park district established under section 511.23 of the Revised 24680
Code, but excludes school districts and joint vocational school 24681
districts. 24682

(4) "State education aid," for a school district, means the 24683
sum of state aid amounts computed for the district under divisions 24684
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 24685
divisions (B), (C), and (D) of section 3317.023; divisions (G), 24686
(L), and (N) of section 3317.024; and sections 3317.029, 24687
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 24688
the Revised Code; and the adjustments required by: division (C) of 24689
section 3310.08; division (C)(2) of section 3310.41; division (C) 24690
of section 3314.08; division (D)(2) of section 3314.091; division 24691
(D) of section 3314.13; divisions (E), (K), (L), (M), and (N), ~~and~~ 24692
~~(O)~~ of section 3317.023; division (C) of section 3317.20; and 24693
sections 3313.979 and 3313.981 of the Revised Code. However, when 24694
calculating state education aid for a school district for fiscal 24695
years 2008 and 2009, include the amount computed for the district 24696
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 24697
as subsequently amended, instead of division (D) of section 24698
3317.022 of the Revised Code; include amounts calculated under 24699
Section 269.30.80 of this act, as subsequently amended; and 24700
account for adjustments under division (C)(2) of section 3310.41 24701

of the Revised Code. 24702
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(5) "State education aid," for a joint vocational school 24704
district, means the sum of the state aid amounts computed for the 24705
district under division (N) of section 3317.024 and section 24706
3317.16 of the Revised Code. However, when calculating state 24707
education aid for a joint vocational school district for fiscal 24708
years 2008 and 2009, include the amount computed for the district 24709
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 24710
as subsequently amended. 24711

(6) "State education aid offset" means the amount determined 24712
for each school district or joint vocational school district under 24713
division (A)(1) of section 5727.85 of the Revised Code. 24714

(7) "Recognized valuation" has the same meaning as in section 24715
3317.02 of the Revised Code. 24716

(8) "Electric company tax value loss" means the amount 24717
determined under division (D) of this section. 24718

(9) "Natural gas company tax value loss" means the amount 24719
determined under division (E) of this section. 24720

(10) "Tax value loss" means the sum of the electric company 24721
tax value loss and the natural gas company tax value loss. 24722

(11) "Fixed-rate levy" means any tax levied on property other 24723
than a fixed-sum levy. 24724

(12) "Fixed-rate levy loss" means the amount determined under 24725
division (G) of this section. 24726

(13) "Fixed-sum levy" means a tax levied on property at 24727
whatever rate is required to produce a specified amount of tax 24728
money or levied in excess of the ten-mill limitation to pay debt 24729
charges, and includes school district emergency levies imposed 24730
pursuant to section 5705.194 of the Revised Code. 24731

(14) "Fixed-sum levy loss" means the amount determined under 24732
division (H) of this section. 24733

(15) "Consumer price index" means the consumer price index 24734
(all items, all urban consumers) prepared by the bureau of labor 24735
statistics of the United States department of labor. 24736

(B) The kilowatt-hour tax receipts fund is hereby created in 24737
the state treasury and shall consist of money arising from the tax 24738
imposed by section 5727.81 of the Revised Code. All money in the 24739
kilowatt-hour tax receipts fund shall be credited as follows: 24740

(1) Sixty-three per cent shall be credited to the general 24741
revenue fund. 24742

(2) Twenty-five and four-tenths per cent shall be credited to 24743
the school district property tax replacement fund, which is hereby 24744
created in the state treasury for the purpose of making the 24745
payments described in section 5727.85 of the Revised Code. 24746

(3) Eleven and six-tenths per cent shall be credited to the 24747
local government property tax replacement fund, which is hereby 24748
created in the state treasury for the purpose of making the 24749
payments described in section 5727.86 of the Revised Code. 24750

(C) The natural gas tax receipts fund is hereby created in 24751
the state treasury and shall consist of money arising from the tax 24752
imposed by section 5727.811 of the Revised Code. All money in the 24753
fund shall be credited as follows: 24754

(1) Sixty-eight and seven-tenths per cent shall be credited 24755
to the school district property tax replacement fund for the 24756
purpose of making the payments described in section 5727.85 of the 24757
Revised Code. 24758

(2) Thirty-one and three-tenths per cent shall be credited to 24759
the local government property tax replacement fund for the purpose 24760
of making the payments described in section 5727.86 of the Revised 24761

Code. 24762

(D) Not later than January 1, 2002, the tax commissioner 24763
shall determine for each taxing district its electric company tax 24764
value loss, which is the sum of the applicable amounts described 24765
in divisions (D)(1) to (4) of this section: 24766

(1) The difference obtained by subtracting the amount 24767
described in division (D)(1)(b) from the amount described in 24768
division (D)(1)(a) of this section. 24769

(a) The value of electric company and rural electric company 24770
tangible personal property as assessed by the tax commissioner for 24771
tax year 1998 on a preliminary assessment, or an amended 24772
preliminary assessment if issued prior to March 1, 1999, and as 24773
apportioned to the taxing district for tax year 1998; 24774

(b) The value of electric company and rural electric company 24775
tangible personal property as assessed by the tax commissioner for 24776
tax year 1998 had the property been apportioned to the taxing 24777
district for tax year 2001, and assessed at the rates in effect 24778
for tax year 2001. 24779

(2) The difference obtained by subtracting the amount 24780
described in division (D)(2)(b) from the amount described in 24781
division (D)(2)(a) of this section. 24782

(a) The three-year average for tax years 1996, 1997, and 1998 24783
of the assessed value from nuclear fuel materials and assemblies 24784
assessed against a person under Chapter 5711. of the Revised Code 24785
from the leasing of them to an electric company for those 24786
respective tax years, as reflected in the preliminary assessments; 24787

(b) The three-year average assessed value from nuclear fuel 24788
materials and assemblies assessed under division (D)(2)(a) of this 24789
section for tax years 1996, 1997, and 1998, as reflected in the 24790
preliminary assessments, using an assessment rate of twenty-five 24791
per cent. 24792

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric company tax value loss, obtained by subtracting the amount described in division (D)(1) of this section from the difference obtained by subtracting the amount described in division (D)(3)(b) of this section from the amount described in division (D)(3)(a) of this section. 24793
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(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2000 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned to the taxing district for tax year 2000; 24800
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(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001. 24805
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(4) In the case of a taxing district having a nuclear power plant within its territory, the difference obtained by subtracting the amount described in division (D)(4)(b) of this section from the amount described in division (D)(4)(a) of this section, provided that such difference is greater than ten per cent of the amount described in division (D)(4)(a) of this section. 24810
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(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2005 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2006, and as apportioned to the taxing district for tax year 2005; 24816
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(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2006 on a preliminary assessment, or an amended preliminary assessment if 24821
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issued prior to March 1, 2007, and as apportioned to the taxing district for tax year 2006. 24824
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(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section: 24826
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(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section. 24830
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(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999; 24833
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(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 24839
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(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section. 24844
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(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years; 24847
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(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an 24852
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assessment rate of twenty-five per cent. 24855

(F) The tax commissioner may request that natural gas 24856
companies, electric companies, and rural electric companies file a 24857
report to help determine the tax value loss under divisions (D) 24858
and (E) of this section. The report shall be filed within thirty 24859
days of the commissioner's request. A company that fails to file 24860
the report or does not timely file the report is subject to the 24861
penalty in section 5727.60 of the Revised Code. 24862

(G) Not later than January 1, 2002, the tax commissioner 24863
shall determine for each school district, joint vocational school 24864
district, and local taxing unit its fixed-rate levy loss, which is 24865
the sum of its electric company tax value loss multiplied by the 24866
tax rate in effect in tax year 1998 for fixed-rate levies and its 24867
natural gas company tax value loss multiplied by the tax rate in 24868
effect in tax year 1999 for fixed-rate levies. 24869

(H) Not later than January 1, 2002, the tax commissioner 24870
shall determine for each school district, joint vocational school 24871
district, and local taxing unit its fixed-sum levy loss, which is 24872
the amount obtained by subtracting the amount described in 24873
division (H)(2) of this section from the amount described in 24874
division (H)(1) of this section: 24875

(1) The sum of the electric company tax value loss multiplied 24876
by the tax rate in effect in tax year 1998, and the natural gas 24877
company tax value loss multiplied by the tax rate in effect in tax 24878
year 1999, for fixed-sum levies for all taxing districts within 24879
each school district, joint vocational school district, and local 24880
taxing unit. For the years 2002 through 2006, this computation 24881
shall include school district emergency levies that existed in 24882
1998 in the case of the electric company tax value loss, and 1999 24883
in the case of the natural gas company tax value loss, and all 24884
other fixed-sum levies that existed in 1998 in the case of the 24885
electric company tax value loss and 1999 in the case of the 24886

natural gas company tax value loss and continue to be charged in 24887
the tax year preceding the distribution year. For the years 2007 24888
through 2016 in the case of school district emergency levies, and 24889
for all years after 2006 in the case of all other fixed-sum 24890
levies, this computation shall exclude all fixed-sum levies that 24891
existed in 1998 in the case of the electric company tax value loss 24892
and 1999 in the case of the natural gas company tax value loss, 24893
but are no longer in effect in the tax year preceding the 24894
distribution year. For the purposes of this section, an emergency 24895
levy that existed in 1998 in the case of the electric company tax 24896
value loss, and 1999 in the case of the natural gas company tax 24897
value loss, continues to exist in a year beginning on or after 24898
January 1, 2007, but before January 1, 2017, if, in that year, the 24899
board of education levies a school district emergency levy for an 24900
annual sum at least equal to the annual sum levied by the board in 24901
tax year 1998 or 1999, respectively, less the amount of the 24902
payment certified under this division for 2002. 24903

(2) The total taxable value in tax year 1999 less the tax 24904
value loss in each school district, joint vocational school 24905
district, and local taxing unit multiplied by one-fourth of one 24906
mill. 24907

If the amount computed under division (H) of this section for 24908
any school district, joint vocational school district, or local 24909
taxing unit is greater than zero, that amount shall equal the 24910
fixed-sum levy loss reimbursed pursuant to division (E) of section 24911
5727.85 of the Revised Code or division (A)(2) of section 5727.86 24912
of the Revised Code, and the one-fourth of one mill that is 24913
subtracted under division (H)(2) of this section shall be 24914
apportioned among all contributing fixed-sum levies in the 24915
proportion of each levy to the sum of all fixed-sum levies within 24916
each school district, joint vocational school district, or local 24917
taxing unit. 24918

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss.

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(K) Not later than September 1, 2001, the tax commissioner shall certify the amount of the fixed-sum levy loss to the county auditor of each county in which a school district with a fixed-sum levy loss has territory.

Sec. 5727.85. (A) By the thirty-first day of July of each year, beginning in 2002 and ending in 2016, the department of education shall determine the following for each school district and each joint vocational school district ~~eligible for payment under division (C) or (D) of this section:~~

(1) The state education aid offset, which is the difference obtained by subtracting the amount described in division (A)(1)(b) of this section from the amount described in division (A)(1)(a) of this section:

(a) The state education aid computed for the school district 24950
or joint vocational school district for the current fiscal year as 24951
of the thirty-first day of July; 24952

(b) The state education aid that would be computed for the 24953
school district or joint vocational school district for the 24954
current fiscal year as of the thirty-first day of July if the 24955
recognized valuation included the tax value loss for the school 24956
district or joint vocational school district. 24957

(2) The greater of zero or the difference obtained by 24958
subtracting the state education aid offset determined under 24959
division (A)(1) of this section from the fixed-rate levy loss 24960
certified under division (J) of section 5727.84 of the Revised 24961
Code for all taxing districts in each school district and joint 24962
vocational school district. 24963

By the fifth day of August of each such year, the department 24964
of education shall certify the amount so determined under division 24965
(A)(1) of this section to the director of budget and management. 24966

(B) Not later than the thirty-first day of October of the 24967
years 2006 through 2016, the department of education shall 24968
determine all of the following for each school district: 24969

(1) The amount obtained by subtracting the district's state 24970
education aid computed for fiscal year 2002 from the district's 24971
state education aid computed for the current fiscal year as of the 24972
fifteenth day of July, by including in the definition of 24973
recognized valuation the machinery and equipment, inventory, 24974
furniture and fixtures, and telephone property tax value losses, 24975
as defined in section 5751.20 of the Revised Code, for the school 24976
district or joint vocational school district for the preceding tax 24977
year; 24978

(2) The inflation-adjusted property tax loss. The 24979
inflation-adjusted property tax loss equals the fixed-rate levy 24980

loss, excluding the tax loss from levies within the ten-mill 24981
limitation to pay debt charges, determined under division (G) of 24982
section 5727.84 of the Revised Code for all taxing districts in 24983
each school district, plus the product obtained by multiplying 24984
that loss by the cumulative percentage increase in the consumer 24985
price index from January 1, 2002, to the thirtieth day of June of 24986
the current year. 24987

(3) The difference obtained by subtracting the amount 24988
computed under division (B)(1) from the amount of the 24989
inflation-adjusted property tax loss. If this difference is zero 24990
or a negative number, no further payments shall be made under 24991
division (C) of this section to the school district from the 24992
school district property tax replacement fund. 24993

(C) The department of education shall pay from the school 24994
district property tax replacement fund to each school district all 24995
of the following: 24996

(1) In February 2002, one-half of the fixed-rate levy loss 24997
certified under division (J) of section 5727.84 of the Revised 24998
Code between the twenty-first and twenty-eighth days of February. 24999

(2) From August 2002 through August 2017, one-half of the 25000
amount calculated for that fiscal year under division (A)(2) of 25001
this section between the twenty-first and twenty-eighth days of 25002
August and of February, provided the difference computed under 25003
division (B)(3) of this section is not less than or equal to zero. 25004

For taxes levied within the ten-mill limitation for debt 25005
purposes in tax year 1998 in the case of electric company tax 25006
value losses, and in tax year 1999 in the case of natural gas 25007
company tax value losses, payments shall be made equal to one 25008
hundred per cent of the loss computed as if the tax were a 25009
fixed-rate levy, but those payments shall extend from fiscal year 25010
2006 through fiscal year 2016. 25011

The department of education shall report to each school 25012
district the apportionment of the payments among the school 25013
district's funds based on the certifications under division (J) of 25014
section 5727.84 of the Revised Code. 25015

(D) Not later than January 1, 2002, for all taxing districts 25016
in each joint vocational school district, the tax commissioner 25017
shall certify to the department of education the fixed-rate levy 25018
loss determined under division (G) of section 5727.84 of the 25019
Revised Code. From February 2002 to August 2016, the department 25020
shall pay from the school district property tax replacement fund 25021
to the joint vocational school district one-half of the amount 25022
calculated for that fiscal year under division (A)(2) of this 25023
section between the twenty-first and twenty-eighth days of August 25024
and of February. 25025

(E)(1) Not later than January 1, 2002, for each fixed-sum 25026
levy levied by each school district or joint vocational school 25027
district and for each year for which a determination is made under 25028
division (H) of section 5727.84 of the Revised Code that a 25029
fixed-sum levy loss is to be reimbursed, the tax commissioner 25030
shall certify to the department of education the fixed-sum levy 25031
loss determined under that division. The certification shall cover 25032
a time period sufficient to include all fixed-sum levies for which 25033
the tax commissioner made such a determination. The department 25034
shall pay from the school district property tax replacement fund 25035
to the school district or joint vocational school district 25036
one-half of the fixed-sum levy loss so certified for each year 25037
between the twenty-first and twenty-eighth days of August and of 25038
February. 25039

(2) Beginning in 2003, by the thirty-first day of January of 25040
each year, the tax commissioner shall review the certification 25041
originally made under division (E)(1) of this section. If the 25042
commissioner determines that a debt levy that had been scheduled 25043

to be reimbursed in the current year has expired, a revised 25044
certification for that and all subsequent years shall be made to 25045
the department of education. 25046

(F) If the balance of the half-mill equalization fund created 25047
under section 3318.18 of the Revised Code is insufficient to make 25048
the full amount of payments required under division (D) of that 25049
section, the department of education, at the end of the third 25050
quarter of the fiscal year, shall certify to the director of 25051
budget and management the amount of the deficiency, and the 25052
director shall transfer an amount equal to the deficiency from the 25053
school district property tax replacement fund to the half-mill 25054
equalization fund. 25055

(G) Beginning in August 2002, and ending in May 2017, the 25056
director of budget and management shall transfer from the school 25057
district property tax replacement fund to the general revenue fund 25058
each of the following: 25059

(1) Between the twenty-eighth day of August and the fifth day 25060
of September, the lesser of one-half of the amount certified for 25061
that fiscal year under division (A)(2) of this section or the 25062
balance in the school district property tax replacement fund; 25063

(2) Between the first and fifth days of May, the lesser of 25064
one-half of the amount certified for that fiscal year under 25065
division (A)(2) of this section or the balance in the school 25066
district property tax replacement fund. 25067

(H) On the first day of June each year, the director of 25068
budget and management shall transfer any balance remaining in the 25069
school district property tax replacement fund after the payments 25070
have been made under divisions (C), (D), (E), (F), and (G) of this 25071
section to the half-mill equalization fund created under section 25072
3318.18 of the Revised Code to the extent required to make any 25073
payments in the current fiscal year under that section, and shall 25074

transfer the remaining balance to the general revenue fund. 25075

(I) From fiscal year 2002 through fiscal year 2016, if the 25076
total amount in the school district property tax replacement fund 25077
is insufficient to make all payments under divisions (C), (D), 25078
(E), and (F) of this section at the time the payments are to be 25079
made, the director of budget and management shall transfer from 25080
the general revenue fund to the school district property tax 25081
replacement fund the difference between the total amount to be 25082
paid and the total amount in the school district property tax 25083
replacement fund, except that no transfer shall be made by reason 25084
of a deficiency to the extent that it results from the amendment 25085
of section 5727.84 of the Revised Code by Amended Substitute House 25086
Bill No. 95 of the 125th general assembly. 25087

(J) If all of the territory of a school district or joint 25088
vocational school district is merged with an existing district, or 25089
if a part of the territory of a school district or joint 25090
vocational school district is transferred to an existing or new 25091
district, the department of education, in consultation with the 25092
tax commissioner, shall adjust the payments made under this 25093
section as follows: 25094

(1) For the merger of all of the territory of two or more 25095
districts, the fixed-rate levy loss and the fixed-sum levy loss of 25096
the successor district shall be equal to the sum of the fixed-rate 25097
levy losses and the fixed-sum levy losses for each of the 25098
districts involved in the merger. 25099

(2) For the transfer of a part of one district's territory to 25100
an existing district, the amount of the fixed-rate levy loss that 25101
is transferred to the recipient district shall be an amount equal 25102
to the transferring district's total fixed-rate levy loss times a 25103
fraction, the numerator of which is the value of electric company 25104
tangible personal property located in the part of the territory 25105
that was transferred, and the denominator of which is the total 25106

value of electric company tangible personal property located in 25107
the entire district from which the territory was transferred. The 25108
value of electric company tangible personal property under this 25109
division shall be determined for the most recent year for which 25110
data is available. Fixed-sum levy losses for both districts shall 25111
be determined under division (J)(4) of this section. 25112

(3) For the transfer of a part of the territory of one or 25113
more districts to create a new district: 25114

(a) If the new district is created on or after January 1, 25115
2000, but before January 1, 2005, the new district shall be paid 25116
its current fixed-rate levy loss through August 2009. From 25117
February 2010 to August 2016, the new district shall be paid the 25118
lesser of: (i) the amount calculated under division (C)(2) of this 25119
section or (ii) an amount equal to the new district's fixed-rate 25120
levy loss multiplied by the percentage prescribed by the following 25121
schedule: 25122

YEAR	PERCENTAGE	
2010	70%	25123
2011	70%	25124
2012	60%	25125
2013	50%	25126
2014	40%	25127
2015	24%	25128
2016	11.5%	25129
2017 and thereafter	0%	25130

Fixed-sum levy losses for the districts shall be determined 25131
under division (J)(4) of this section. 25132

(b) If the new district is created on or after January 1, 25133
2005, the new district shall be deemed not to have any fixed-rate 25134
levy loss or, except as provided in division (J)(4) of this 25135
section, fixed-sum levy loss. The district or districts from which 25136
the territory was transferred shall have no reduction in their 25137
25138

fixed-rate levy loss, or, except as provided in division (J)(4) of 25139
this section, their fixed-sum levy loss. 25140

(4) If a recipient district under division (J)(2) of this 25141
section or a new district under division (J)(3)(a) or (b) of this 25142
section takes on debt from one or more of the districts from which 25143
territory was transferred, and any of the districts transferring 25144
the territory had fixed-sum levy losses, the department of 25145
education, in consultation with the tax commissioner, shall make 25146
an equitable division of the fixed-sum levy losses. 25147

(K) There is hereby created the public utility property tax 25148
study committee, effective January 1, 2011. The committee shall 25149
consist of the following seven members: the tax commissioner, 25150
three members of the senate appointed by the president of the 25151
senate, and three members of the house of representatives 25152
appointed by the speaker of the house of representatives. The 25153
appointments shall be made not later than January 31, 2011. The 25154
tax commissioner shall be the chairperson of the committee. 25155

The committee shall study the extent to which each school 25156
district or joint vocational school district has been compensated, 25157
under sections 5727.84 and 5727.85 of the Revised Code as enacted 25158
by Substitute Senate Bill No. 3 of the 123rd general assembly and 25159
any subsequent acts, for the property tax loss caused by the 25160
reduction in the assessment rates for natural gas, electric, and 25161
rural electric company tangible personal property. Not later than 25162
June 30, 2011, the committee shall issue a report of its findings, 25163
including any recommendations for providing additional 25164
compensation for the property tax loss or regarding remedial 25165
legislation, to the president of the senate and the speaker of the 25166
house of representatives, at which time the committee shall cease 25167
to exist. 25168

The department of taxation and department of education shall 25169
provide such information and assistance as is required for the 25170

committee to carry out its duties. 25171

Sec. 5739.01. As used in this chapter: 25172

(A) "Person" includes individuals, receivers, assignees, 25173
trustees in bankruptcy, estates, firms, partnerships, 25174
associations, joint-stock companies, joint ventures, clubs, 25175
societies, corporations, the state and its political subdivisions, 25176
and combinations of individuals of any form. 25177

(B) "Sale" and "selling" include all of the following 25178
transactions for a consideration in any manner, whether absolutely 25179
or conditionally, whether for a price or rental, in money or by 25180
exchange, and by any means whatsoever: 25181

(1) All transactions by which title or possession, or both, 25182
of tangible personal property, is or is to be transferred, or a 25183
license to use or consume tangible personal property is or is to 25184
be granted; 25185

(2) All transactions by which lodging by a hotel is or is to 25186
be furnished to transient guests; 25187

(3) All transactions by which: 25188

(a) An item of tangible personal property is or is to be 25189
repaired, except property, the purchase of which would not be 25190
subject to the tax imposed by section 5739.02 of the Revised Code; 25191

(b) An item of tangible personal property is or is to be 25192
installed, except property, the purchase of which would not be 25193
subject to the tax imposed by section 5739.02 of the Revised Code 25194
or property that is or is to be incorporated into and will become 25195
a part of a production, transmission, transportation, or 25196
distribution system for the delivery of a public utility service; 25197

(c) The service of washing, cleaning, waxing, polishing, or 25198
painting a motor vehicle is or is to be furnished; 25199

(d) Until August 1, 2003, industrial laundry cleaning	25200
services are or are to be provided and, on and after August 1,	25201
2003, laundry and dry cleaning services are or are to be provided;	25202
(e) Automatic data processing, computer services, or	25203
electronic information services are or are to be provided for use	25204
in business when the true object of the transaction is the receipt	25205
by the consumer of automatic data processing, computer services,	25206
or electronic information services rather than the receipt of	25207
personal or professional services to which automatic data	25208
processing, computer services, or electronic information services	25209
are incidental or supplemental. Notwithstanding any other	25210
provision of this chapter, such transactions that occur between	25211
members of an affiliated group are not sales. An "affiliated	25212
group" means two or more persons related in such a way that one	25213
person owns or controls the business operation of another member	25214
of the group. In the case of corporations with stock, one	25215
corporation owns or controls another if it owns more than fifty	25216
per cent of the other corporation's common stock with voting	25217
rights.	25218
(f) Telecommunications service, including prepaid calling	25219
service, prepaid wireless calling service, or ancillary service,	25220
is or is to be provided, but not including coin-operated telephone	25221
service;	25222
(g) Landscaping and lawn care service is or is to be	25223
provided;	25224
(h) Private investigation and security service is or is to be	25225
provided;	25226
(i) Information services or tangible personal property is	25227
provided or ordered by means of a nine hundred telephone call;	25228
(j) Building maintenance and janitorial service is or is to	25229
be provided;	25230

(k) Employment service is or is to be provided;	25231
(l) Employment placement service is or is to be provided;	25232
(m) Exterminating service is or is to be provided;	25233
(n) Physical fitness facility service is or is to be provided;	25234 25235
(o) Recreation and sports club service is or is to be provided;	25236 25237
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	25238 25239
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	25240 25241 25242 25243 25244 25245 25246 25247
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	25248 25249 25250 25251 25252 25253 25254 25255
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	25256 25257 25258 25259
(t) On and after August 1, 2003, snow removal service is or	25260

is to be provided. As used in this division, "snow removal
service" means the removal of snow by any mechanized means, but
does not include the providing of such service by a person that
has less than five thousand dollars in sales of such service
during the calendar year.

(u) Electronic publishing service is or is to be provided to
a consumer for use in business, except that such transactions
occurring between members of an affiliated group, as defined in
division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted,
overprinted, lithographic, multilithic, blueprinted, photostatic,
or other productions or reproductions of written or graphic matter
are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal
property for a consideration for consumers who furnish either
directly or indirectly the materials used in the production of
fabrication work; and include the furnishing, preparing, or
serving for a consideration of any tangible personal property
consumed on the premises of the person furnishing, preparing, or
serving such tangible personal property. Except as provided in
section 5739.03 of the Revised Code, a construction contract
pursuant to which tangible personal property is or is to be
incorporated into a structure or improvement on and becoming a
part of real property is not a sale of such tangible personal
property. The construction contractor is the consumer of such
tangible personal property, provided that the sale and
installation of carpeting, the sale and installation of
agricultural land tile, the sale and erection or installation of
portable grain bins, or the provision of landscaping and lawn care
service and the transfer of property as part of such service is
never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete 25293
tile, or flexible or rigid perforated plastic pipe or tubing, 25294
incorporated or to be incorporated into a subsurface drainage 25295
system appurtenant to land used or to be used directly in 25296
production by farming, agriculture, horticulture, or floriculture. 25297
The term does not include such materials when they are or are to 25298
be incorporated into a drainage system appurtenant to a building 25299
or structure even if the building or structure is used or to be 25300
used in such production. 25301

(b) "Portable grain bin" means a structure that is used or to 25302
be used by a person engaged in farming or agriculture to shelter 25303
the person's grain and that is designed to be disassembled without 25304
significant damage to its component parts. 25305

(6) All transactions in which all of the shares of stock of a 25306
closely held corporation are transferred, if the corporation is 25307
not engaging in business and its entire assets consist of boats, 25308
planes, motor vehicles, or other tangible personal property 25309
operated primarily for the use and enjoyment of the shareholders; 25310

(7) All transactions in which a warranty, maintenance or 25311
service contract, or similar agreement by which the vendor of the 25312
warranty, contract, or agreement agrees to repair or maintain the 25313
tangible personal property of the consumer is or is to be 25314
provided; 25315

(8) The transfer of copyrighted motion picture films used 25316
solely for advertising purposes, except that the transfer of such 25317
films for exhibition purposes is not a sale-*i* 25318

(9) On and after August 1, 2003, all transactions by which 25319
tangible personal property is or is to be stored, except such 25320
property that the consumer of the storage holds for sale in the 25321
regular course of business; 25322

(10) All transactions in which "guaranteed auto protection" 25323

is provided whereby a person promises to pay to the consumer the 25324
difference between the amount the consumer receives from motor 25325
vehicle insurance and the amount the consumer owes to a person 25326
holding title to or a lien on the consumer's motor vehicle in the 25327
event the consumer's motor vehicle suffers a total loss under the 25328
terms of the motor vehicle insurance policy or is stolen and not 25329
recovered, if the protection and its price are included in the 25330
purchase or lease agreement. 25331

Except as provided in this section, "sale" and "selling" do 25332
not include transfers of interest in leased property where the 25333
original lessee and the terms of the original lease agreement 25334
remain unchanged, or professional, insurance, or personal service 25335
transactions that involve the transfer of tangible personal 25336
property as an inconsequential element, for which no separate 25337
charges are made. 25338

(C) "Vendor" means the person providing the service or by 25339
whom the transfer effected or license given by a sale is or is to 25340
be made or given and, for sales described in division (B)(3)(i) of 25341
this section, the telecommunications service vendor that provides 25342
the nine hundred telephone service; if two or more persons are 25343
engaged in business at the same place of business under a single 25344
trade name in which all collections on account of sales by each 25345
are made, such persons shall constitute a single vendor. 25346

Physicians, dentists, hospitals, and veterinarians who are 25347
engaged in selling tangible personal property as received from 25348
others, such as eyeglasses, mouthwashes, dentifrices, or similar 25349
articles, are vendors. Veterinarians who are engaged in 25350
transferring to others for a consideration drugs, the dispensing 25351
of which does not require an order of a licensed veterinarian or 25352
physician under federal law, are vendors. 25353

(D)(1) "Consumer" means the person for whom the service is 25354
provided, to whom the transfer effected or license given by a sale 25355

is or is to be made or given, to whom the service described in 25356
division (B)(3)(f) or (i) of this section is charged, or to whom 25357
the admission is granted. 25358

(2) Physicians, dentists, hospitals, and blood banks operated 25359
by nonprofit institutions and persons licensed to practice 25360
veterinary medicine, surgery, and dentistry are consumers of all 25361
tangible personal property and services purchased by them in 25362
connection with the practice of medicine, dentistry, the rendition 25363
of hospital or blood bank service, or the practice of veterinary 25364
medicine, surgery, and dentistry. In addition to being consumers 25365
of drugs administered by them or by their assistants according to 25366
their direction, veterinarians also are consumers of drugs that 25367
under federal law may be dispensed only by or upon the order of a 25368
licensed veterinarian or physician, when transferred by them to 25369
others for a consideration to provide treatment to animals as 25370
directed by the veterinarian. 25371

(3) A person who performs a facility management, or similar 25372
service contract for a contractee is a consumer of all tangible 25373
personal property and services purchased for use in connection 25374
with the performance of such contract, regardless of whether title 25375
to any such property vests in the contractee. The purchase of such 25376
property and services is not subject to the exception for resale 25377
under division (E)(1) of this section. 25378

(4)(a) In the case of a person who purchases printed matter 25379
for the purpose of distributing it or having it distributed to the 25380
public or to a designated segment of the public, free of charge, 25381
that person is the consumer of that printed matter, and the 25382
purchase of that printed matter for that purpose is a sale. 25383

(b) In the case of a person who produces, rather than 25384
purchases, printed matter for the purpose of distributing it or 25385
having it distributed to the public or to a designated segment of 25386
the public, free of charge, that person is the consumer of all 25387

~~tangible~~ tangible personal property and services purchased for use 25388
or consumption in the production of that printed matter. That 25389
person is not entitled to claim exemption under division 25390
(B)(42)(f) of section 5739.02 of the Revised Code for any material 25391
incorporated into the printed matter or any equipment, supplies, 25392
or services primarily used to produce the printed matter. 25393
25394

(c) The distribution of printed matter to the public or to a 25395
designated segment of the public, free of charge, is not a sale to 25396
the members of the public to whom the printed matter is 25397
distributed or to any persons who purchase space in the printed 25398
matter for advertising or other purposes. 25399

(5) A person who makes sales of any of the services listed in 25400
division (B)(3) of this section is the consumer of any tangible 25401
personal property used in performing the service. The purchase of 25402
that property is not subject to the resale exception under 25403
division (E)(1) of this section. 25404

(6) A person who engages in highway transportation for hire 25405
is the consumer of all packaging materials purchased by that 25406
person and used in performing the service, except for packaging 25407
materials sold by such person in a transaction separate from the 25408
service. 25409

(E) "Retail sale" and "sales at retail" include all sales, 25410
except those in which the purpose of the consumer is to resell the 25411
thing transferred or benefit of the service provided, by a person 25412
engaging in business, in the form in which the same is, or is to 25413
be, received by the person. 25414

(F) "Business" includes any activity engaged in by any person 25415
with the object of gain, benefit, or advantage, either direct or 25416
indirect. "Business" does not include the activity of a person in 25417
managing and investing the person's own funds. 25418

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2) and (3) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:

- (i) The vendor's cost of the property sold;
- (ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor;
- (iii) Charges by the vendor for any services necessary to complete the sale;
- (iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.
- (v) Installation charges;
- (vi) Credit for any trade-in.

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price

reduction or discount through to the consumer; the amount of the 25449
consideration attributable to the sale is fixed and determinable 25450
by the vendor at the time of the sale of the item to the consumer; 25451
and one of the following criteria is met: 25452

(i) The consumer presents a coupon, certificate, or other 25453
document to the vendor to claim a price reduction or discount 25454
where the coupon, certificate, or document is authorized, 25455
distributed, or granted by a third party with the understanding 25456
that the third party will reimburse any vendor to whom the coupon, 25457
certificate, or document is presented; 25458

(ii) The consumer identifies the consumer's self to the 25459
seller as a member of a group or organization entitled to a price 25460
reduction or discount. A preferred customer card that is available 25461
to any patron does not constitute membership in such a group or 25462
organization. 25463

(iii) The price reduction or discount is identified as a 25464
third party price reduction or discount on the invoice received by 25465
the consumer, or on a coupon, certificate, or other document 25466
presented by the consumer. 25467

(c) "Price" does not include any of the following: 25468

(i) Discounts, including cash, term, or coupons that are not 25469
reimbursed by a third party that are allowed by a vendor and taken 25470
by a consumer on a sale; 25471

(ii) Interest, financing, and carrying charges from credit 25472
extended on the sale of tangible personal property or services, if 25473
the amount is separately stated on the invoice, bill of sale, or 25474
similar document given to the purchaser; 25475

(iii) Any taxes legally imposed directly on the consumer that 25476
are separately stated on the invoice, bill of sale, or similar 25477
document given to the consumer. For the purpose of this division, 25478
the tax imposed under Chapter 5751. of the Revised Code is not a 25479

tax directly on the consumer, even if the tax or a portion thereof 25480
is separately stated. 25481

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 25482
section, any discount allowed by an automobile manufacturer to its 25483
employee, or to the employee of a supplier, on the purchase of a 25484
new motor vehicle from a new motor vehicle dealer in this state. 25485

(2) In the case of a sale of any new motor vehicle by a new 25486
motor vehicle dealer, as defined in section 4517.01 of the Revised 25487
Code, in which another motor vehicle is accepted by the dealer as 25488
part of the consideration received, "price" has the same meaning 25489
as in division (H)(1) of this section, reduced by the credit 25490
afforded the consumer by the dealer for the motor vehicle received 25491
in trade. 25492

(3) In the case of a sale of any watercraft or outboard motor 25493
by a watercraft dealer licensed in accordance with section 25494
1547.543 of the Revised Code, in which another watercraft, 25495
watercraft and trailer, or outboard motor is accepted by the 25496
dealer as part of the consideration received, "price" has the same 25497
meaning as in division (H)(1) of this section, reduced by the 25498
credit afforded the consumer by the dealer for the watercraft, 25499
watercraft and trailer, or outboard motor received in trade. As 25500
used in this division, "watercraft" includes an outdrive unit 25501
attached to the watercraft. 25502

(I) "Receipts" means the total amount of the prices of the 25503
sales of vendors, provided that cash discounts allowed and taken 25504
on sales at the time they are consummated are not included, minus 25505
any amount deducted as a bad debt pursuant to section 5739.121 of 25506
the Revised Code. "Receipts" does not include the sale price of 25507
property returned or services rejected by consumers when the full 25508
sale price and tax are refunded either in cash or by credit. 25509

(J) "Place of business" means any location at which a person 25510

engages in business. 25511

(K) "Premises" includes any real property or portion thereof 25512
upon which any person engages in selling tangible personal 25513
property at retail or making retail sales and also includes any 25514
real property or portion thereof designated for, or devoted to, 25515
use in conjunction with the business engaged in by such person. 25516

(L) "Casual sale" means a sale of an item of tangible 25517
personal property that was obtained by the person making the sale, 25518
through purchase or otherwise, for the person's own use and was 25519
previously subject to any state's taxing jurisdiction on its sale 25520
or use, and includes such items acquired for the seller's use that 25521
are sold by an auctioneer employed directly by the person for such 25522
purpose, provided the location of such sales is not the 25523
auctioneer's permanent place of business. As used in this 25524
division, "permanent place of business" includes any location 25525
where such auctioneer has conducted more than two auctions during 25526
the year. 25527

(M) "Hotel" means every establishment kept, used, maintained, 25528
advertised, or held out to the public to be a place where sleeping 25529
accommodations are offered to guests, in which five or more rooms 25530
are used for the accommodation of such guests, whether the rooms 25531
are in one or several structures. 25532

(N) "Transient guests" means persons occupying a room or 25533
rooms for sleeping accommodations for less than thirty consecutive 25534
days. 25535

(O) "Making retail sales" means the effecting of transactions 25536
wherein one party is obligated to pay the price and the other 25537
party is obligated to provide a service or to transfer title to or 25538
possession of the item sold. "Making retail sales" does not 25539
include the preliminary acts of promoting or soliciting the retail 25540
sales, other than the distribution of printed matter which 25541

displays or describes and prices the item offered for sale, nor 25542
does it include delivery of a predetermined quantity of tangible 25543
personal property or transportation of property or personnel to or 25544
from a place where a service is performed, regardless of whether 25545
the vendor is a delivery vendor. 25546

(P) "Used directly in the rendition of a public utility 25547
service" means that property that is to be incorporated into and 25548
will become a part of the consumer's production, transmission, 25549
transportation, or distribution system and that retains its 25550
classification as tangible personal property after such 25551
incorporation; fuel or power used in the production, transmission, 25552
transportation, or distribution system; and tangible personal 25553
property used in the repair and maintenance of the production, 25554
transmission, transportation, or distribution system, including 25555
only such motor vehicles as are specially designed and equipped 25556
for such use. Tangible personal property and services used 25557
primarily in providing highway transportation for hire are not 25558
used directly in the rendition of a public utility service. In 25559
this definition, "public utility" includes a citizen of the United 25560
States holding, and required to hold, a certificate of public 25561
convenience and necessity issued under 49 U.S.C. 41102. 25562

(Q) "Refining" means removing or separating a desirable 25563
product from raw or contaminated materials by distillation or 25564
physical, mechanical, or chemical processes. 25565

(R) "Assembly" and "assembling" mean attaching or fitting 25566
together parts to form a product, but do not include packaging a 25567
product. 25568

(S) "Manufacturing operation" means a process in which 25569
materials are changed, converted, or transformed into a different 25570
state or form from which they previously existed and includes 25571
refining materials, assembling parts, and preparing raw materials 25572
and parts by mixing, measuring, blending, or otherwise committing 25573

such materials or parts to the manufacturing process. 25574

"Manufacturing operation" does not include packaging. 25575

(T) "Fiscal officer" means, with respect to a regional 25576
transit authority, the secretary-treasurer thereof, and with 25577
respect to a county that is a transit authority, the fiscal 25578
officer of the county transit board if one is appointed pursuant 25579
to section 306.03 of the Revised Code or the county auditor if the 25580
board of county commissioners operates the county transit system. 25581

(U) "Transit authority" means a regional transit authority 25582
created pursuant to section 306.31 of the Revised Code or a county 25583
in which a county transit system is created pursuant to section 25584
306.01 of the Revised Code. For the purposes of this chapter, a 25585
transit authority must extend to at least the entire area of a 25586
single county. A transit authority that includes territory in more 25587
than one county must include all the area of the most populous 25588
county that is a part of such transit authority. County population 25589
shall be measured by the most recent census taken by the United 25590
States census bureau. 25591

(V) "Legislative authority" means, with respect to a regional 25592
transit authority, the board of trustees thereof, and with respect 25593
to a county that is a transit authority, the board of county 25594
commissioners. 25595

(W) "Territory of the transit authority" means all of the 25596
area included within the territorial boundaries of a transit 25597
authority as they from time to time exist. Such territorial 25598
boundaries must at all times include all the area of a single 25599
county or all the area of the most populous county that is a part 25600
of such transit authority. County population shall be measured by 25601
the most recent census taken by the United States census bureau. 25602

(X) "Providing a service" means providing or furnishing 25603
anything described in division (B)(3) of this section for 25604

consideration. 25605

(Y)(1)(a) "Automatic data processing" means processing of 25606
others' data, including keypunching or similar data entry services 25607
together with verification thereof, or providing access to 25608
computer equipment for the purpose of processing data. 25609

(b) "Computer services" means providing services consisting 25610
of specifying computer hardware configurations and evaluating 25611
technical processing characteristics, computer programming, and 25612
training of computer programmers and operators, provided in 25613
conjunction with and to support the sale, lease, or operation of 25614
taxable computer equipment or systems. 25615

(c) "Electronic information services" means providing access 25616
to computer equipment by means of telecommunications equipment for 25617
the purpose of either of the following: 25618

(i) Examining or acquiring data stored in or accessible to 25619
the computer equipment; 25620

(ii) Placing data into the computer equipment to be retrieved 25621
by designated recipients with access to the computer equipment. 25622

For transactions occurring on or after the effective date of 25623
the amendment of this section by H.B. 157 of the 127th general 25624
assembly, December 21, 2007, "electronic information services" 25625
does not include electronic publishing as defined in division 25626
(LLL) of this section. 25627

(d) "Automatic data processing, computer services, or 25628
electronic information services" shall not include personal or 25629
professional services. 25630

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 25631
section, "personal and professional services" means all services 25632
other than automatic data processing, computer services, or 25633
electronic information services, including but not limited to: 25634

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;	25635 25636 25637 25638 25639
(b) Analyzing business policies and procedures;	25640
(c) Identifying management information needs;	25641
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	25642 25643 25644
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	25645 25646 25647 25648
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	25649 25650 25651
(g) Testing of business procedures;	25652
(h) Training personnel in business procedure applications;	25653
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	25654 25655 25656 25657 25658 25659
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	25660 25661
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	25662 25663
(Z) "Highway transportation for hire" means the	25664

transportation of personal property belonging to others for 25665
consideration by any of the following: 25666

(1) The holder of a permit or certificate issued by this 25667
state or the United States authorizing the holder to engage in 25668
transportation of personal property belonging to others for 25669
consideration over or on highways, roadways, streets, or any 25670
similar public thoroughfare; 25671

(2) A person who engages in the transportation of personal 25672
property belonging to others for consideration over or on 25673
highways, roadways, streets, or any similar public thoroughfare 25674
but who could not have engaged in such transportation on December 25675
11, 1985, unless the person was the holder of a permit or 25676
certificate of the types described in division (Z)(1) of this 25677
section; 25678

(3) A person who leases a motor vehicle to and operates it 25679
for a person described by division (Z)(1) or (2) of this section. 25680

(AA)(1) "Telecommunications service" means the electronic 25681
transmission, conveyance, or routing of voice, data, audio, video, 25682
or any other information or signals to a point, or between or 25683
among points. "Telecommunications service" includes such 25684
transmission, conveyance, or routing in which computer processing 25685
applications are used to act on the form, code, or protocol of the 25686
content for purposes of transmission, conveyance, or routing 25687
without regard to whether the service is referred to as voice-over 25688
internet protocol service or is classified by the federal 25689
communications commission as enhanced or value-added. 25690
"Telecommunications service" does not include any of the 25691
following: 25692

(a) Data processing and information services that allow data 25693
to be generated, acquired, stored, processed, or retrieved and 25694
delivered by an electronic transmission to a consumer where the 25695

consumer's primary purpose for the underlying transaction is the processed data or information;	25696 25697
(b) Installation or maintenance of wiring or equipment on a customer's premises;	25698 25699
(c) Tangible personal property;	25700
(d) Advertising, including directory advertising;	25701
(e) Billing and collection services provided to third parties;	25702 25703
(f) Internet access service;	25704
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	25705 25706 25707 25708 25709 25710 25711 25712
(h) Ancillary service;	25713
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	25714 25715
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	25716 25717 25718 25719 25720
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	25721 25722 25723 25724 25725

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900" service and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units of dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a

telecommunications service that provides the right to utilize 25757
mobile telecommunications service as well as other 25758
non-telecommunications services, including the download of digital 25759
products delivered electronically, and content and ancillary 25760
services, that must be paid for in advance and that is sold in 25761
predetermined units of dollars of which the number declines with 25762
use in a known amount. 25763

(6) "Value-added non-voice data service" means a 25764
telecommunications service in which computer processing 25765
applications are used to act on the form, content, code, or 25766
protocol of the information or data primarily for a purpose other 25767
than transmission, conveyance, or routing. 25768

(7) "Coin-operated telephone service" means a 25769
telecommunications service paid for by inserting money into a 25770
telephone accepting direct deposits of money to operate. 25771

(8) "Customer" has the same meaning as in section 5739.034 of 25772
the Revised Code. 25773

(BB) "Laundry and dry cleaning services" means removing soil 25774
or dirt from towels, linens, articles of clothing, or other fabric 25775
items that belong to others and supplying towels, linens, articles 25776
of clothing, or other fabric items. "Laundry and dry cleaning 25777
services" does not include the provision of self-service 25778
facilities for use by consumers to remove soil or dirt from 25779
towels, linens, articles of clothing, or other fabric items. 25780

(CC) "Magazines distributed as controlled circulation 25781
publications" means magazines containing at least twenty-four 25782
pages, at least twenty-five per cent editorial content, issued at 25783
regular intervals four or more times a year, and circulated 25784
without charge to the recipient, provided that such magazines are 25785
not owned or controlled by individuals or business concerns which 25786
conduct such publications as an auxiliary to, and essentially for 25787

the advancement of the main business or calling of, those who own 25788
or control them. 25789

(DD) "Landscaping and lawn care service" means the services 25790
of planting, seeding, sodding, removing, cutting, trimming, 25791
pruning, mulching, aerating, applying chemicals, watering, 25792
fertilizing, and providing similar services to establish, promote, 25793
or control the growth of trees, shrubs, flowers, grass, ground 25794
cover, and other flora, or otherwise maintaining a lawn or 25795
landscape grown or maintained by the owner for ornamentation or 25796
other nonagricultural purpose. However, "landscaping and lawn care 25797
service" does not include the providing of such services by a 25798
person who has less than five thousand dollars in sales of such 25799
services during the calendar year. 25800

(EE) "Private investigation and security service" means the 25801
performance of any activity for which the provider of such service 25802
is required to be licensed pursuant to Chapter 4749. of the 25803
Revised Code, or would be required to be so licensed in performing 25804
such services in this state, and also includes the services of 25805
conducting polygraph examinations and of monitoring or overseeing 25806
the activities on or in, or the condition of, the consumer's home, 25807
business, or other facility by means of electronic or similar 25808
monitoring devices. "Private investigation and security service" 25809
does not include special duty services provided by off-duty police 25810
officers, deputy sheriffs, and other peace officers regularly 25811
employed by the state or a political subdivision. 25812

(FF) "Information services" means providing conversation, 25813
giving consultation or advice, playing or making a voice or other 25814
recording, making or keeping a record of the number of callers, 25815
and any other service provided to a consumer by means of a nine 25816
hundred telephone call, except when the nine hundred telephone 25817
call is the means by which the consumer makes a contribution to a 25818
recognized charity. 25819

(GG) "Research and development" means designing, creating, or 25820
formulating new or enhanced products, equipment, or manufacturing 25821
processes, and also means conducting scientific or technological 25822
inquiry and experimentation in the physical sciences with the goal 25823
of increasing scientific knowledge which may reveal the bases for 25824
new or enhanced products, equipment, or manufacturing processes. 25825

(HH) "Qualified research and development equipment" means 25826
capitalized tangible personal property, and leased personal 25827
property that would be capitalized if purchased, used by a person 25828
primarily to perform research and development. Tangible personal 25829
property primarily used in testing, as defined in division (A)(4) 25830
of section 5739.011 of the Revised Code, or used for recording or 25831
storing test results, is not qualified research and development 25832
equipment unless such property is primarily used by the consumer 25833
in testing the product, equipment, or manufacturing process being 25834
created, designed, or formulated by the consumer in the research 25835
and development activity or in recording or storing such test 25836
results. 25837

(II) "Building maintenance and janitorial service" means 25838
cleaning the interior or exterior of a building and any tangible 25839
personal property located therein or thereon, including any 25840
services incidental to such cleaning for which no separate charge 25841
is made. However, "building maintenance and janitorial service" 25842
does not include the providing of such service by a person who has 25843
less than five thousand dollars in sales of such service during 25844
the calendar year. 25845

(JJ) "Employment service" means providing or supplying 25846
personnel, on a temporary or long-term basis, to perform work or 25847
labor under the supervision or control of another, when the 25848
personnel so provided or supplied receive their wages, salary, or 25849
other compensation from the provider or supplier of the employment 25850
service or from a third party that provided or supplied the 25851

personnel to the provider or supplier. "Employment service" does 25852
not include: 25853

(1) Acting as a contractor or subcontractor, where the 25854
personnel performing the work are not under the direct control of 25855
the purchaser. 25856

(2) Medical and health care services. 25857

(3) Supplying personnel to a purchaser pursuant to a contract 25858
of at least one year between the service provider and the 25859
purchaser that specifies that each employee covered under the 25860
contract is assigned to the purchaser on a permanent basis. 25861

(4) Transactions between members of an affiliated group, as 25862
defined in division (B)(3)(e) of this section. 25863

(5) Transactions where the personnel so provided or supplied 25864
by a provider or supplier to a purchaser of an employment service 25865
are then provided or supplied by that purchaser to a third party 25866
as an employment service, except "employment service" does include 25867
the transaction between that purchaser and the third party. 25868

(KK) "Employment placement service" means locating or finding 25869
employment for a person or finding or locating an employee to fill 25870
an available position. 25871

(LL) "Exterminating service" means eradicating or attempting 25872
to eradicate vermin infestations from a building or structure, or 25873
the area surrounding a building or structure, and includes 25874
activities to inspect, detect, or prevent vermin infestation of a 25875
building or structure. 25876

(MM) "Physical fitness facility service" means all 25877
transactions by which a membership is granted, maintained, or 25878
renewed, including initiation fees, membership dues, renewal fees, 25879
monthly minimum fees, and other similar fees and dues, by a 25880
physical fitness facility such as an athletic club, health spa, or 25881

gymnasium, which entitles the member to use the facility for 25882
physical exercise. 25883

(NN) "Recreation and sports club service" means all 25884
transactions by which a membership is granted, maintained, or 25885
renewed, including initiation fees, membership dues, renewal fees, 25886
monthly minimum fees, and other similar fees and dues, by a 25887
recreation and sports club, which entitles the member to use the 25888
facilities of the organization. "Recreation and sports club" means 25889
an organization that has ownership of, or controls or leases on a 25890
continuing, long-term basis, the facilities used by its members 25891
and includes an aviation club, gun or shooting club, yacht club, 25892
card club, swimming club, tennis club, golf club, country club, 25893
riding club, amateur sports club, or similar organization. 25894

(OO) "Livestock" means farm animals commonly raised for food 25895
or food production, and includes but is not limited to cattle, 25896
sheep, goats, swine, and poultry. "Livestock" does not include 25897
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 25898
animals for use in laboratories or for exhibition, or other 25899
animals not commonly raised for food or food production. 25900

(PP) "Livestock structure" means a building or structure used 25901
exclusively for the housing, raising, feeding, or sheltering of 25902
livestock, and includes feed storage or handling structures and 25903
structures for livestock waste handling. 25904

(QQ) "Horticulture" means the growing, cultivation, and 25905
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 25906
and nursery stock. As used in this division, "nursery stock" has 25907
the same meaning as in section 927.51 of the Revised Code. 25908

(RR) "Horticulture structure" means a building or structure 25909
used exclusively for the commercial growing, raising, or 25910
overwintering of horticultural products, and includes the area 25911
used for stocking, storing, and packing horticultural products 25912

when done in conjunction with the production of those products. 25913

(SS) "Newspaper" means an unbound publication bearing a title 25914
or name that is regularly published, at least as frequently as 25915
biweekly, and distributed from a fixed place of business to the 25916
public in a specific geographic area, and that contains a 25917
substantial amount of news matter of international, national, or 25918
local events of interest to the general public. 25919

(TT) "Professional racing team" means a person that employs 25920
at least twenty full-time employees for the purpose of conducting 25921
a motor vehicle racing business for profit. The person must 25922
conduct the business with the purpose of racing one or more motor 25923
racing vehicles in at least ten competitive professional racing 25924
events each year that comprise all or part of a motor racing 25925
series sanctioned by one or more motor racing sanctioning 25926
organizations. A "motor racing vehicle" means a vehicle for which 25927
the chassis, engine, and parts are designed exclusively for motor 25928
racing, and does not include a stock or production model vehicle 25929
that may be modified for use in racing. For the purposes of this 25930
division: 25931

(1) A "competitive professional racing event" is a motor 25932
vehicle racing event sanctioned by one or more motor racing 25933
sanctioning organizations, at which aggregate cash prizes in 25934
excess of eight hundred thousand dollars are awarded to the 25935
competitors. 25936

(2) "Full-time employee" means an individual who is employed 25937
for consideration for thirty-five or more hours a week, or who 25938
renders any other standard of service generally accepted by custom 25939
or specified by contract as full-time employment. 25940

(UU)(1) "Lease" or "rental" means any transfer of the 25941
possession or control of tangible personal property for a fixed or 25942
indefinite term, for consideration. "Lease" or "rental" includes 25943

future options to purchase or extend, and agreements described in 25944
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 25945
the amount of consideration may be increased or decreased by 25946
reference to the amount realized upon the sale or disposition of 25947
the property. "Lease" or "rental" does not include: 25948

(a) A transfer of possession or control of tangible personal 25949
property under a security agreement or a deferred payment plan 25950
that requires the transfer of title upon completion of the 25951
required payments; 25952

(b) A transfer of possession or control of tangible personal 25953
property under an agreement that requires the transfer of title 25954
upon completion of required payments and payment of an option 25955
price that does not exceed the greater of one hundred dollars or 25956
one per cent of the total required payments; 25957

(c) Providing tangible personal property along with an 25958
operator for a fixed or indefinite period of time, if the operator 25959
is necessary for the property to perform as designed. For purposes 25960
of this division, the operator must do more than maintain, 25961
inspect, or set-up the tangible personal property. 25962

(2) "Lease" and "rental," as defined in division (UU) of this 25963
section, shall not apply to leases or rentals that exist before 25964
June 26, 2003. 25965

(3) "Lease" and "rental" have the same meaning as in division 25966
(UU)(1) of this section regardless of whether a transaction is 25967
characterized as a lease or rental under generally accepted 25968
accounting principles, the Internal Revenue Code, Title XIII of 25969
the Revised Code, or other federal, state, or local laws. 25970

(VV) "Mobile telecommunications service" has the same meaning 25971
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 25972
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 25973
on and after August 1, 2003, includes related fees and ancillary 25974

services, including universal service fees, detailed billing 25975
service, directory assistance, service initiation, voice mail 25976
service, and vertical services, such as caller ID and three-way 25977
calling. 25978

(WW) "Certified service provider" has the same meaning as in 25979
section 5740.01 of the Revised Code. 25980

(XX) "Satellite broadcasting service" means the distribution 25981
or broadcasting of programming or services by satellite directly 25982
to the subscriber's receiving equipment without the use of ground 25983
receiving or distribution equipment, except the subscriber's 25984
receiving equipment or equipment used in the uplink process to the 25985
satellite, and includes all service and rental charges, premium 25986
channels or other special services, installation and repair 25987
service charges, and any other charges having any connection with 25988
the provision of the satellite broadcasting service. 25989

(YY) "Tangible personal property" means personal property 25990
that can be seen, weighed, measured, felt, or touched, or that is 25991
in any other manner perceptible to the senses. For purposes of 25992
this chapter and Chapter 5741. of the Revised Code, "tangible 25993
personal property" includes motor vehicles, electricity, water, 25994
gas, steam, and prewritten computer software. 25995

(ZZ) "Direct mail" means printed material delivered or 25996
distributed by United States mail or other delivery service to a 25997
mass audience or to addressees on a mailing list provided by the 25998
consumer or at the direction of the consumer when the cost of the 25999
items are not billed directly to the recipients. "Direct mail" 26000
includes tangible personal property supplied directly or 26001
indirectly by the consumer to the direct mail vendor for inclusion 26002
in the package containing the printed material. "Direct mail" does 26003
not include multiple items of printed material delivered to a 26004
single address. 26005

(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(BBB) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(CCC) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

(DDD) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are

sold for ingestion or chewing by humans and are consumed for their 26038
taste or nutritional value. "Food" does not include alcoholic 26039
beverages, dietary supplements, soft drinks, or tobacco. 26040

(2) As used in division (EEE)(1) of this section: 26041

(a) "Alcoholic beverages" means beverages that are suitable 26042
for human consumption and contain one-half of one per cent or more 26043
of alcohol by volume. 26044

(b) "Dietary supplements" means any product, other than 26045
tobacco, that is intended to supplement the diet and that is 26046
intended for ingestion in tablet, capsule, powder, softgel, 26047
gelcap, or liquid form, or, if not intended for ingestion in such 26048
a form, is not represented as conventional food for use as a sole 26049
item of a meal or of the diet; that is required to be labeled as a 26050
dietary supplement, identifiable by the "supplement facts" box 26051
found on the label, as required by 21 C.F.R. 101.36; and that 26052
contains one or more of the following dietary ingredients: 26053

(i) A vitamin; 26054

(ii) A mineral; 26055

(iii) An herb or other botanical; 26056

(iv) An amino acid; 26057

(v) A dietary substance for use by humans to supplement the 26058
diet by increasing the total dietary intake; 26059

(vi) A concentrate, metabolite, constituent, extract, or 26060
combination of any ingredient described in divisions 26061
(EEE)(2)(b)(i) to (v) of this section. 26062

(c) "Soft drinks" means nonalcoholic beverages that contain 26063
natural or artificial sweeteners. "Soft drinks" does not include 26064
beverages that contain milk or milk products, soy, rice, or 26065
similar milk substitutes, or that contains greater than fifty per 26066
cent vegetable or fruit juice by volume. 26067

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco. 26068
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(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body. 26070
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(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription. 26079
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(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment. 26083
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(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment. 26090
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(JJJ) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. As used in this division, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis.

(KKK)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.

(b) Each program aircraft is owned or possessed by at least one fractional owner.

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

(2) As used in division (KKK)(1) of this section:

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has

entered into the agreements described in division (KKK)(1)(e) of 26129
this section. 26130

(c) "Fractional ownership program aircraft" or "program 26131
aircraft" means a turbojet aircraft that is owned or possessed by 26132
a fractional owner and that has been included in a dry-lease 26133
aircraft interchange arrangement and agreement under divisions 26134
(KKK)(1)(d) and (e) of this section, or an aircraft a program 26135
manager owns or possesses primarily for use in a fractional 26136
aircraft ownership program. 26137

(d) "Management services" means administrative and aviation 26138
support services furnished under a fractional aircraft ownership 26139
program in accordance with a management services agreement under 26140
division (KKK)(1)(e) of this section, and offered by the program 26141
manager to the fractional owners, including, at a minimum, the 26142
establishment and implementation of safety guidelines; the 26143
coordination of the scheduling of the program aircraft and crews; 26144
program aircraft maintenance; program aircraft insurance; crew 26145
training for crews employed, furnished, or contracted by the 26146
program manager or the fractional owner; the satisfaction of 26147
record-keeping requirements; and the development and use of an 26148
operations manual and a maintenance manual for the fractional 26149
aircraft ownership program. 26150

(e) "Program manager" means the person that offers management 26151
services to fractional owners pursuant to a management services 26152
agreement under division (KKK)(1)(e) of this section. 26153

(LLL) "Electronic publishing" means providing access to one 26154
or more of the following primarily for business customers, 26155
including the federal government or a state government or a 26156
political subdivision thereof, to conduct research: news; 26157
business, financial, legal, consumer, or credit materials; 26158
editorials, columns, reader commentary, or features; photos or 26159
images; archival or research material; legal notices, identity 26160

verification, or public records; scientific, educational, 26161
instructional, technical, professional, trade, or other literary 26162
materials; or other similar information which has been gathered 26163
and made available by the provider to the consumer in an 26164
electronic format. Providing electronic publishing includes the 26165
functions necessary for the acquisition, formatting, editing, 26166
storage, and dissemination of data or information that is the 26167
subject of a sale. 26168

Sec. 5739.02. For the purpose of providing revenue with which 26169
to meet the needs of the state, for the use of the general revenue 26170
fund of the state, for the purpose of securing a thorough and 26171
efficient system of common schools throughout the state, for the 26172
purpose of affording revenues, in addition to those from general 26173
property taxes, permitted under constitutional limitations, and 26174
from other sources, for the support of local governmental 26175
functions, and for the purpose of reimbursing the state for the 26176
expense of administering this chapter, an excise tax is hereby 26177
levied on each retail sale made in this state. 26178

(A)(1) The tax shall be collected as provided in section 26179
5739.025 of the Revised Code, ~~provided that on and after July 1,~~ 26180
~~2003, and on or before June 30, 2005, the rate of tax shall be six~~ 26181
~~per cent. On and after July 1, 2005, the~~ The rate of the tax 26182
shall be five and one-half per cent. The tax applies and is 26183
collectible when the sale is made, regardless of the time when the 26184
price is paid or delivered. 26185

(2) In the case of the lease or rental, with a fixed term of 26186
more than thirty days or an indefinite term with a minimum period 26187
of more than thirty days, of any motor vehicles designed by the 26188
manufacturer to carry a load of not more than one ton, watercraft, 26189
outboard motor, or aircraft, or of any tangible personal property, 26190
other than motor vehicles designed by the manufacturer to carry a 26191

load of more than one ton, to be used by the lessee or renter 26192
primarily for business purposes, the tax shall be collected by the 26193
vendor at the time the lease or rental is consummated and shall be 26194
calculated by the vendor on the basis of the total amount to be 26195
paid by the lessee or renter under the lease agreement. If the 26196
total amount of the consideration for the lease or rental includes 26197
amounts that are not calculated at the time the lease or rental is 26198
executed, the tax shall be calculated and collected by the vendor 26199
at the time such amounts are billed to the lessee or renter. In 26200
the case of an open-end lease or rental, the tax shall be 26201
calculated by the vendor on the basis of the total amount to be 26202
paid during the initial fixed term of the lease or rental, and for 26203
each subsequent renewal period as it comes due. As used in this 26204
division, "motor vehicle" has the same meaning as in section 26205
4501.01 of the Revised Code, and "watercraft" includes an outdrive 26206
unit attached to the watercraft. 26207

A lease with a renewal clause and a termination penalty or 26208
similar provision that applies if the renewal clause is not 26209
exercised is presumed to be a sham transaction. In such a case, 26210
the tax shall be calculated and paid on the basis of the entire 26211
length of the lease period, including any renewal periods, until 26212
the termination penalty or similar provision no longer applies. 26213
The taxpayer shall bear the burden, by a preponderance of the 26214
evidence, that the transaction or series of transactions is not a 26215
sham transaction. 26216

(3) Except as provided in division (A)(2) of this section, in 26217
the case of a sale, the price of which consists in whole or in 26218
part of the lease or rental of tangible personal property, the tax 26219
shall be measured by the installments of that lease or rental. 26220

(4) In the case of a sale of a physical fitness facility 26221
service or recreation and sports club service, the price of which 26222
consists in whole or in part of a membership for the receipt of 26223

the benefit of the service, the tax applicable to the sale shall 26224
be measured by the installments thereof. 26225

(B) The tax does not apply to the following: 26226

(1) Sales to the state or any of its political subdivisions, 26227
or to any other state or its political subdivisions if the laws of 26228
that state exempt from taxation sales made to this state and its 26229
political subdivisions; 26230

(2) Sales of food for human consumption off the premises 26231
where sold; 26232

(3) Sales of food sold to students only in a cafeteria, 26233
dormitory, fraternity, or sorority maintained in a private, 26234
public, or parochial school, college, or university; 26235

(4) Sales of newspapers and of magazine subscriptions and 26236
sales or transfers of magazines distributed as controlled 26237
circulation publications; 26238

(5) The furnishing, preparing, or serving of meals without 26239
charge by an employer to an employee provided the employer records 26240
the meals as part compensation for services performed or work 26241
done; 26242

(6) Sales of motor fuel upon receipt, use, distribution, or 26243
sale of which in this state a tax is imposed by the law of this 26244
state, but this exemption shall not apply to the sale of motor 26245
fuel on which a refund of the tax is allowable under division (A) 26246
of section 5735.14 of the Revised Code; and the tax commissioner 26247
may deduct the amount of tax levied by this section applicable to 26248
the price of motor fuel when granting a refund of motor fuel tax 26249
pursuant to division (A) of section 5735.14 of the Revised Code 26250
and shall cause the amount deducted to be paid into the general 26251
revenue fund of this state; 26252

(7) Sales of natural gas by a natural gas company, of water 26253

by a water-works company, or of steam by a heating company, if in 26254
each case the thing sold is delivered to consumers through pipes 26255
or conduits, and all sales of communications services by a 26256
telegraph company, all terms as defined in section 5727.01 of the 26257
Revised Code, and sales of electricity delivered through wires; 26258

(8) Casual sales by a person, or auctioneer employed directly 26259
by the person to conduct such sales, except as to such sales of 26260
motor vehicles, watercraft or outboard motors required to be 26261
titled under section 1548.06 of the Revised Code, watercraft 26262
documented with the United States coast guard, snowmobiles, and 26263
all-purpose vehicles as defined in section 4519.01 of the Revised 26264
Code; 26265

(9)(a) Sales of services or tangible personal property, other 26266
than motor vehicles, mobile homes, and manufactured homes, by 26267
churches, organizations exempt from taxation under section 26268
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 26269
organizations operated exclusively for charitable purposes as 26270
defined in division (B)(12) of this section, provided that the 26271
number of days on which such tangible personal property or 26272
services, other than items never subject to the tax, are sold does 26273
not exceed six in any calendar year, except as otherwise provided 26274
in division (B)(9)(b) of this section. If the number of days on 26275
which such sales are made exceeds six in any calendar year, the 26276
church or organization shall be considered to be engaged in 26277
business and all subsequent sales by it shall be subject to the 26278
tax. In counting the number of days, all sales by groups within a 26279
church or within an organization shall be considered to be sales 26280
of that church or organization. 26281

(b) The limitation on the number of days on which tax-exempt 26282
sales may be made by a church or organization under division 26283
(B)(9)(a) of this section does not apply to sales made by student 26284
clubs and other groups of students of a primary or secondary 26285

school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station

that is licensed by the federal communications commission as a 26317
noncommercial educational radio or television station; the 26318
operation of a nonprofit animal adoption service or a county 26319
humane society; the promotion of education by an institution of 26320
learning that maintains a faculty of qualified instructors, 26321
teaches regular continuous courses of study, and confers a 26322
recognized diploma upon completion of a specific curriculum; the 26323
operation of a parent-teacher association, booster group, or 26324
similar organization primarily engaged in the promotion and 26325
support of the curricular or extracurricular activities of a 26326
primary or secondary school; the operation of a community or area 26327
center in which presentations in music, dramatics, the arts, and 26328
related fields are made in order to foster public interest and 26329
education therein; the production of performances in music, 26330
dramatics, and the arts; or the promotion of education by an 26331
organization engaged in carrying on research in, or the 26332
dissemination of, scientific and technological knowledge and 26333
information primarily for the public. 26334

Nothing in this division shall be deemed to exempt sales to 26335
any organization for use in the operation or carrying on of a 26336
trade or business, or sales to a home for the aged for use in the 26337
operation of independent living facilities as defined in division 26338
(A) of section 5709.12 of the Revised Code. 26339

(13) Building and construction materials and services sold to 26340
construction contractors for incorporation into a structure or 26341
improvement to real property under a construction contract with 26342
this state or a political subdivision of this state, or with the 26343
United States government or any of its agencies; building and 26344
construction materials and services sold to construction 26345
contractors for incorporation into a structure or improvement to 26346
real property that are accepted for ownership by this state or any 26347
of its political subdivisions, or by the United States government 26348

or any of its agencies at the time of completion of the structures 26349
or improvements; building and construction materials sold to 26350
construction contractors for incorporation into a horticulture 26351
structure or livestock structure for a person engaged in the 26352
business of horticulture or producing livestock; building 26353
materials and services sold to a construction contractor for 26354
incorporation into a house of public worship or religious 26355
education, or a building used exclusively for charitable purposes 26356
under a construction contract with an organization whose purpose 26357
is as described in division (B)(12) of this section; building 26358
materials and services sold to a construction contractor for 26359
incorporation into a building under a construction contract with 26360
an organization exempt from taxation under section 501(c)(3) of 26361
the Internal Revenue Code of 1986 when the building is to be used 26362
exclusively for the organization's exempt purposes; building and 26363
construction materials sold for incorporation into the original 26364
construction of a sports facility under section 307.696 of the 26365
Revised Code; and building and construction materials and services 26366
sold to a construction contractor for incorporation into real 26367
property outside this state if such materials and services, when 26368
sold to a construction contractor in the state in which the real 26369
property is located for incorporation into real property in that 26370
state, would be exempt from a tax on sales levied by that state; 26371

(14) Sales of ships or vessels or rail rolling stock used or 26372
to be used principally in interstate or foreign commerce, and 26373
repairs, alterations, fuel, and lubricants for such ships or 26374
vessels or rail rolling stock; 26375

(15) Sales to persons primarily engaged in any of the 26376
activities mentioned in division (B)(42)(a) or (g) of this 26377
section, to persons engaged in making retail sales, or to persons 26378
who purchase for sale from a manufacturer tangible personal 26379
property that was produced by the manufacturer in accordance with 26380

specific designs provided by the purchaser, of packages, including 26381
material, labels, and parts for packages, and of machinery, 26382
equipment, and material for use primarily in packaging tangible 26383
personal property produced for sale, including any machinery, 26384
equipment, and supplies used to make labels or packages, to 26385
prepare packages or products for labeling, or to label packages or 26386
products, by or on the order of the person doing the packaging, or 26387
sold at retail. "Packages" includes bags, baskets, cartons, 26388
crates, boxes, cans, bottles, bindings, wrappings, and other 26389
similar devices and containers, but does not include motor 26390
vehicles or bulk tanks, trailers, or similar devices attached to 26391
motor vehicles. "Packaging" means placing in a package. Division 26392
(B)(15) of this section does not apply to persons engaged in 26393
highway transportation for hire. 26394

(16) Sales of food to persons using food stamp benefits to 26395
purchase the food. As used in this division, "food" has the same 26396
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 26397
2012, as amended, and federal regulations adopted pursuant to that 26398
act. 26399

(17) Sales to persons engaged in farming, agriculture, 26400
horticulture, or floriculture, of tangible personal property for 26401
use or consumption directly in the production by farming, 26402
agriculture, horticulture, or floriculture of other tangible 26403
personal property for use or consumption directly in the 26404
production of tangible personal property for sale by farming, 26405
agriculture, horticulture, or floriculture; or material and parts 26406
for incorporation into any such tangible personal property for use 26407
or consumption in production; and of tangible personal property 26408
for such use or consumption in the conditioning or holding of 26409
products produced by and for such use, consumption, or sale by 26410
persons engaged in farming, agriculture, horticulture, or 26411
floriculture, except where such property is incorporated into real 26412

property;	26413
(18) Sales of drugs for a human being that may be dispensed	26414
only pursuant to a prescription; insulin as recognized in the	26415
official United States pharmacopoeia; urine and blood testing	26416
materials when used by diabetics or persons with hypoglycemia to	26417
test for glucose or acetone; hypodermic syringes and needles when	26418
used by diabetics for insulin injections; epoetin alfa when	26419
purchased for use in the treatment of persons with medical	26420
disease; hospital beds when purchased by hospitals, nursing homes,	26421
or other medical facilities; and medical oxygen and medical	26422
oxygen-dispensing equipment when purchased by hospitals, nursing	26423
homes, or other medical facilities;	26424
(19) Sales of prosthetic devices, durable medical equipment	26425
for home use, or mobility enhancing equipment, when made pursuant	26426
to a prescription and when such devices or equipment are for use	26427
by a human being.	26428
(20) Sales of emergency and fire protection vehicles and	26429
equipment to nonprofit organizations for use solely in providing	26430
fire protection and emergency services, including trauma care and	26431
emergency medical services, for political subdivisions of the	26432
state;	26433
(21) Sales of tangible personal property manufactured in this	26434
state, if sold by the manufacturer in this state to a retailer for	26435
use in the retail business of the retailer outside of this state	26436
and if possession is taken from the manufacturer by the purchaser	26437
within this state for the sole purpose of immediately removing the	26438
same from this state in a vehicle owned by the purchaser;	26439
(22) Sales of services provided by the state or any of its	26440
political subdivisions, agencies, instrumentalities, institutions,	26441
or authorities, or by governmental entities of the state or any of	26442
its political subdivisions, agencies, instrumentalities,	26443

institutions, or authorities;	26444
(23) Sales of motor vehicles to nonresidents of this state	26445
under the circumstances described in division (B) of section	26446
5739.029 of the Revised Code;	26447
(24) Sales to persons engaged in the preparation of eggs for	26448
sale of tangible personal property used or consumed directly in	26449
such preparation, including such tangible personal property used	26450
for cleaning, sanitizing, preserving, grading, sorting, and	26451
classifying by size; packages, including material and parts for	26452
packages, and machinery, equipment, and material for use in	26453
packaging eggs for sale; and handling and transportation equipment	26454
and parts therefor, except motor vehicles licensed to operate on	26455
public highways, used in intraplant or interplant transfers or	26456
shipment of eggs in the process of preparation for sale, when the	26457
plant or plants within or between which such transfers or	26458
shipments occur are operated by the same person. "Packages"	26459
includes containers, cases, baskets, flats, fillers, filler flats,	26460
cartons, closure materials, labels, and labeling materials, and	26461
"packaging" means placing therein.	26462
(25)(a) Sales of water to a consumer for residential use,	26463
except the sale of bottled water, distilled water, mineral water,	26464
carbonated water, or ice;	26465
(b) Sales of water by a nonprofit corporation engaged	26466
exclusively in the treatment, distribution, and sale of water to	26467
consumers, if such water is delivered to consumers through pipes	26468
or tubing.	26469
(26) Fees charged for inspection or reinspection of motor	26470
vehicles under section 3704.14 of the Revised Code;	26471
(27) Sales to persons licensed to conduct a food service	26472
operation pursuant to section 3717.43 of the Revised Code, of	26473
tangible personal property primarily used directly for the	26474

following:	26475
(a) To prepare food for human consumption for sale;	26476
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	26477 26478 26479 26480
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	26481 26482
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	26483 26484
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	26485 26486 26487 26488
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	26489 26490 26491
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	26492 26493 26494
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	26495 26496 26497 26498 26499 26500
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the	26501 26502 26503 26504

headquarters; 26505

(34) Sales to a telecommunications service vendor, mobile 26506
telecommunications service vendor, or satellite broadcasting 26507
service vendor of tangible personal property and services used 26508
directly and primarily in transmitting, receiving, switching, or 26509
recording any interactive, one- or two-way electromagnetic 26510
communications, including voice, image, data, and information, 26511
through the use of any medium, including, but not limited to, 26512
poles, wires, cables, switching equipment, computers, and record 26513
storage devices and media, and component parts for the tangible 26514
personal property. The exemption provided in this division shall 26515
be in lieu of all other exemptions under division (B)(42)(a) of 26516
this section to which the vendor may otherwise be entitled, based 26517
upon the use of the thing purchased in providing the 26518
telecommunications, mobile telecommunications, or satellite 26519
broadcasting service. 26520

(35)(a) Sales where the purpose of the consumer is to use or 26521
consume the things transferred in making retail sales and 26522
consisting of newspaper inserts, catalogues, coupons, flyers, gift 26523
certificates, or other advertising material that prices and 26524
describes tangible personal property offered for retail sale. 26525

(b) Sales to direct marketing vendors of preliminary 26526
materials such as photographs, artwork, and typesetting that will 26527
be used in printing advertising material; of printed matter that 26528
offers free merchandise or chances to win sweepstake prizes and 26529
that is mailed to potential customers with advertising material 26530
described in division (B)(35)(a) of this section; and of equipment 26531
such as telephones, computers, facsimile machines, and similar 26532
tangible personal property primarily used to accept orders for 26533
direct marketing retail sales. 26534

(c) Sales of automatic food vending machines that preserve 26535
food with a shelf life of forty-five days or less by refrigeration 26536

and dispense it to the consumer. 26537

For purposes of division (B)(35) of this section, "direct 26538
marketing" means the method of selling where consumers order 26539
tangible personal property by United States mail, delivery 26540
service, or telecommunication and the vendor delivers or ships the 26541
tangible personal property sold to the consumer from a warehouse, 26542
catalogue distribution center, or similar fulfillment facility by 26543
means of the United States mail, delivery service, or common 26544
carrier. 26545

(36) Sales to a person engaged in the business of 26546
horticulture or producing livestock of materials to be 26547
incorporated into a horticulture structure or livestock structure; 26548

(37) Sales of personal computers, computer monitors, computer 26549
keyboards, modems, and other peripheral computer equipment to an 26550
individual who is licensed or certified to teach in an elementary 26551
or a secondary school in this state for use by that individual in 26552
preparation for teaching elementary or secondary school students; 26553

(38) Sales to a professional racing team of any of the 26554
following: 26555

(a) Motor racing vehicles; 26556

(b) Repair services for motor racing vehicles; 26557

(c) Items of property that are attached to or incorporated in 26558
motor racing vehicles, including engines, chassis, and all other 26559
components of the vehicles, and all spare, replacement, and 26560
rebuilt parts or components of the vehicles; except not including 26561
tires, consumable fluids, paint, and accessories consisting of 26562
instrumentation sensors and related items added to the vehicle to 26563
collect and transmit data by means of telemetry and other forms of 26564
communication. 26565

(39) Sales of used manufactured homes and used mobile homes, 26566

as defined in section 5739.0210 of the Revised Code, made on or 26567
after January 1, 2000; 26568

(40) Sales of tangible personal property and services to a 26569
provider of electricity used or consumed directly and primarily in 26570
generating, transmitting, or distributing electricity for use by 26571
others, including property that is or is to be incorporated into 26572
and will become a part of the consumer's production, transmission, 26573
or distribution system and that retains its classification as 26574
tangible personal property after incorporation; fuel or power used 26575
in the production, transmission, or distribution of electricity; 26576
and tangible personal property and services used in the repair and 26577
maintenance of the production, transmission, or distribution 26578
system, including only those motor vehicles as are specially 26579
designed and equipped for such use. The exemption provided in this 26580
division shall be in lieu of all other exemptions in division 26581
(B)(42)(a) of this section to which a provider of electricity may 26582
otherwise be entitled based on the use of the tangible personal 26583
property or service purchased in generating, transmitting, or 26584
distributing electricity. 26585

(41) Sales to a person providing services under division 26586
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 26587
personal property and services used directly and primarily in 26588
providing taxable services under that section. 26589

(42) Sales where the purpose of the purchaser is to do any of 26590
the following: 26591

(a) To incorporate the thing transferred as a material or a 26592
part into tangible personal property to be produced for sale by 26593
manufacturing, assembling, processing, or refining; or to use or 26594
consume the thing transferred directly in producing tangible 26595
personal property for sale by mining, including, without 26596
limitation, the extraction from the earth of all substances that 26597
are classed geologically as minerals, production of crude oil and 26598

natural gas, farming, agriculture, horticulture, or floriculture, 26599
or directly in the rendition of a public utility service, except 26600
that the sales tax levied by this section shall be collected upon 26601
all meals, drinks, and food for human consumption sold when 26602
transporting persons. Persons engaged in rendering farming, 26603
agricultural, horticultural, or floricultural services, and 26604
services in the exploration for, and production of, crude oil and 26605
natural gas, for others are deemed engaged directly in farming, 26606
agriculture, horticulture, and floriculture, or exploration for, 26607
and production of, crude oil and natural gas. This paragraph does 26608
not exempt from "retail sale" or "sales at retail" the sale of 26609
tangible personal property that is to be incorporated into a 26610
structure or improvement to real property. 26611

(b) To hold the thing transferred as security for the 26612
performance of an obligation of the vendor; 26613

(c) To resell, hold, use, or consume the thing transferred as 26614
evidence of a contract of insurance; 26615

(d) To use or consume the thing directly in commercial 26616
fishing; 26617

(e) To incorporate the thing transferred as a material or a 26618
part into, or to use or consume the thing transferred directly in 26619
the production of, magazines distributed as controlled circulation 26620
publications; 26621

(f) To use or consume the thing transferred in the production 26622
and preparation in suitable condition for market and sale of 26623
printed, imprinted, overprinted, lithographic, multilithic, 26624
blueprinted, photostatic, or other productions or reproductions of 26625
written or graphic matter; 26626

(g) To use the thing transferred, as described in section 26627
5739.011 of the Revised Code, primarily in a manufacturing 26628
operation to produce tangible personal property for sale; 26629

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service

listed in division (B)(3) of section 5739.01 of the Revised Code, 26661
if the property is or is to be permanently transferred to the 26662
consumer of the service as an integral part of the performance of 26663
the service-i 26664

(n) To use or consume the thing transferred in acquiring, 26665
formatting, editing, storing, and disseminating data or 26666
information by electronic publishing. 26667

As used in division (B)(42) of this section, "thing" includes 26668
all transactions included in divisions (B)(3)(a), (b), and (e) of 26669
section 5739.01 of the Revised Code. 26670

(43) Sales conducted through a coin operated device that 26671
activates vacuum equipment or equipment that dispenses water, 26672
whether or not in combination with soap or other cleaning agents 26673
or wax, to the consumer for the consumer's use on the premises in 26674
washing, cleaning, or waxing a motor vehicle, provided no other 26675
personal property or personal service is provided as part of the 26676
transaction. 26677

(44) Sales of replacement and modification parts for engines, 26678
airframes, instruments, and interiors in, and paint for, aircraft 26679
used primarily in a fractional aircraft ownership program, and 26680
sales of services for the repair, modification, and maintenance of 26681
such aircraft, and machinery, equipment, and supplies primarily 26682
used to provide those services. 26683

(45) Sales of telecommunications service that is used 26684
directly and primarily to perform the functions of a call center. 26685
As used in this division, "call center" means any physical 26686
location where telephone calls are placed or received in high 26687
volume for the purpose of making sales, marketing, customer 26688
service, technical support, or other specialized business 26689
activity, and that employs at least fifty individuals that engage 26690
in call center activities on a full-time basis, or sufficient 26691

individuals to fill fifty full-time equivalent positions. 26692

(46) Sales by a telecommunications service vendor of 900 26693
service to a subscriber. This division does not apply to 26694
information services, as defined in division (FF) of section 26695
5739.01 of the Revised Code. 26696

(47) Sales of value-added non-voice data service. This 26697
division does not apply to any similar service that is not 26698
otherwise a telecommunications service. 26699

(48)(a) Sales of machinery, equipment, and software to a 26700
qualified direct selling entity for use in a warehouse or 26701
distribution center primarily for storing, transporting, or 26702
otherwise handling inventory that is held for sale to independent 26703
salespersons who operate as direct sellers and that is held 26704
primarily for distribution outside this state; 26705

(b) As used in division (B)(48)(a) of this section: 26706

(i) "Direct seller" means a person selling consumer products 26707
to individuals for personal or household use and not from a fixed 26708
retail location, including selling such product at in-home product 26709
demonstrations, parties, and other one-on-one selling. 26710

(ii) "Qualified direct selling entity" means an entity 26711
selling to direct sellers at the time the entity enters into a tax 26712
credit agreement with the tax credit authority pursuant to section 26713
122.17 of the Revised Code, provided that the agreement was 26714
entered into on or after January 1, 2007. Neither contingencies 26715
relevant to the granting of, nor later developments with respect 26716
to, the tax credit shall impair the status of the qualified direct 26717
selling entity under division (B)(48) of this section after 26718
execution of the tax credit agreement by the tax credit authority. 26719

(c) Division (B)(48) of this section is limited to machinery, 26720
equipment, and software first stored, used, or consumed in this 26721
state within the period commencing with the effective date of the 26722

amendment of this section by the capital appropriations act of the 26723
127th general assembly and ending on the date that is five years 26724
after that effective date. 26725

(49) Sales of materials, parts, equipment, or engines used in 26726
the repair or maintenance of aircraft or avionics systems of such 26727
aircraft, and sales of repair, remodeling, replacement, or 26728
maintenance services at a federal aviation administration 26729
certified repair station in this state performed on aircraft or on 26730
an aircraft's avionics, engine, or component materials or parts. 26731
As used in division (B)(49) of this section, "aircraft" means 26732
aircraft of more than six thousand pounds maximum certified 26733
takeoff weight or used exclusively in general aviation. 26734

(50) Sales of full flight simulators that are used for pilot 26735
or flight-crew training, sales of repair or replacement parts or 26736
components, and sales of repair or maintenance services for such 26737
full flight simulators. "Full flight simulator" means a replica of 26738
a specific type, or make, model, and series of aircraft cockpit. 26739
It includes the assemblage of equipment and computer programs 26740
necessary to represent aircraft operations in ground and flight 26741
conditions, a visual system providing an out-of-the-cockpit view, 26742
and a system that provides cues at least equivalent to those of a 26743
three-degree-of-freedom motion system, and has the full range of 26744
capabilities of the systems installed in the device as described 26745
in appendices A and B of part 60 of chapter 1 of title 14 of the 26746
Code of Federal Regulations. 26747

26748
(C) For the purpose of the proper administration of this 26749
chapter, and to prevent the evasion of the tax, it is presumed 26750
that all sales made in this state are subject to the tax until the 26751
contrary is established. 26752

(D) The levy of this tax on retail sales of recreation and 26753
sports club service shall not prevent a municipal corporation from 26754

levying any tax on recreation and sports club dues or on any 26755
income generated by recreation and sports club dues. 26756

(E) The tax collected by the vendor from the consumer under 26757
this chapter is not part of the price, but is a tax collection for 26758
the benefit of the state, and of counties levying an additional 26759
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 26760
Code and of transit authorities levying an additional sales tax 26761
pursuant to section 5739.023 of the Revised Code. Except for the 26762
discount authorized under section 5739.12 of the Revised Code and 26763
the effects of any rounding pursuant to section 5703.055 of the 26764
Revised Code, no person other than the state or such a county or 26765
transit authority shall derive any benefit from the collection or 26766
payment of the tax levied by this section or section 5739.021, 26767
5739.023, or 5739.026 of the Revised Code. 26768

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 26769
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 26770
5741.023 of the Revised Code, and except as otherwise provided in 26771
division (B) of this section, the tax due under this chapter on 26772
the sale of a motor vehicle required to be titled under Chapter 26773
4505. of the Revised Code by a motor vehicle dealer to a consumer 26774
that is a nonresident of this state shall be the lesser of the 26775
amount of tax that would be due under this chapter and Chapter 26776
5741. of the Revised Code if the total combined rate were six per 26777
cent, or the amount of tax that would be due~~7~~ to the state in 26778
which the consumer titles or registers the motor vehicle or to 26779
which the consumer removes the vehicle for use. 26780

(B) No tax is due under this section, any other section of 26781
this chapter, or Chapter 5741. of the Revised Code under any of 26782
the following circumstances: 26783

(1)(a) The consumer intends to immediately remove the motor 26784
vehicle from this state for use outside this state; 26785

(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required;

(c) The consumer executes an affidavit as required under division (C) of this section affirming the consumer's intentions under divisions (B)(1)(a) and (b) of this section; and

(d) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use provides an exemption under circumstances substantially similar to those described in division (B)(1) of this section.

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles.

(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer.

A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit.

(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of

this section or unless the sale is not otherwise subject to taxes 26817
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 26818
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 26819
the case of a sale under the circumstances described in division 26820
(B)(1) of this section, the dealer shall retain one copy of the 26821
affidavit and file the original and the other copy with the clerk 26822
of the court of common pleas. If tax is due under division (A) of 26823
this section, the dealer shall remit the tax collected to the 26824
clerk at the time the dealer obtains the Ohio certificate of title 26825
in the name of the consumer as required under section 4505.06 of 26826
the Revised Code. The clerk shall forward the original affidavit 26827
to the tax commissioner in the manner prescribed by the 26828
commissioner. 26829

Unless a sale is excepted from taxation under division (B) of 26830
this section, upon receipt of an application for certificate of 26831
title a clerk of the court of common pleas shall collect the sales 26832
tax due under division (A) of this section. The clerk shall remit 26833
the tax collected to the tax commissioner in the manner prescribed 26834
by the commissioner. 26835

(E) If a motor vehicle is purchased by a corporation 26836
described in division (B)(6) of section 5739.01 of the Revised 26837
Code, the state of residence of the consumer for the purposes of 26838
this section is the state of residence of the corporation's 26839
principal shareholder. 26840

(F) Any provision of this chapter or of Chapter 5741. of the 26841
Revised Code that is not inconsistent with this section applies to 26842
sales described in division (A) of this section. 26843

(G) As used in this section: 26844

(1) For the purposes of this section only, the sale or 26845
purchase of a motor vehicle does not include a lease or rental of 26846
a motor vehicle subject to division (A)(2) or (3) of section 26847

5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code; 26848
26849

(2) "State," except in reference to "this state," means any state, district, commonwealth, or territory of the United States and any province of Canada. 26850
26851
26852

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as provided in divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. The remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.695 of the Revised Code, provided that if the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code adopts a 26853
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resolution amending a resolution levying a tax under this division 26880
to provide that the revenue from the tax shall be used by the 26881
board as described in division (H) of section 307.695 of the 26882
Revised Code, the remainder of the revenue shall be used as 26883
described in the resolution making that amendment. Except as 26884
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 26885
this section, on and after May 10, 1994, a board of county 26886
commissioners may not levy an excise tax pursuant to this division 26887
in any municipal corporation or township located wholly or partly 26888
within the county that has in effect an ordinance or resolution 26889
levying an excise tax pursuant to division (B) of this section. 26890
The board of a county that has levied a tax under division (C) of 26891
this section may, by resolution adopted within ninety days after 26892
July 15, 1985, by a majority of the members of the board, amend 26893
the resolution levying a tax under this division to provide for a 26894
portion of that tax to be pledged and contributed in accordance 26895
with an agreement entered into under section 307.695 of the 26896
Revised Code. A tax, any revenue from which is pledged pursuant to 26897
such an agreement, shall remain in effect at the rate at which it 26898
is imposed for the duration of the period for which the revenue 26899
from the tax has been so pledged. 26900

The board of county commissioners of an eligible county as 26901
defined in section 307.695 of the Revised Code may, by resolution 26902
adopted by a majority of the members of the board, amend a 26903
resolution levying a tax under this division to provide that the 26904
revenue from the tax shall be used by the board as described in 26905
division (H) of section 307.695 of the Revised Code, in which case 26906
the tax shall remain in effect at the rate at which it was imposed 26907
for the duration of any agreement entered into by the board under 26908
section 307.695 of the Revised Code, the duration during which any 26909
securities issued by the board under that section are outstanding, 26910
or the duration of the period during which the board owns a 26911
project as defined in section 307.695 of the Revised Code, 26912

whichever duration is longest. 26913

(2) A board of county commissioners that levies an excise tax 26914
under division (A)(1) of this section on June 30, 1997, at a rate 26915
of three per cent, and that has pledged revenue from the tax to an 26916
agreement entered into under section 307.695 of the Revised Code 26917
or, in the case of the board of county commissioners of an 26918
eligible county as defined in section 307.695 of the Revised Code, 26919
has amended a resolution levying a tax under division (C) of this 26920
section to provide that proceeds from the tax shall be used by the 26921
board as described in division (H) of section 307.695 of the 26922
Revised Code, may, at any time by a resolution adopted by a 26923
majority of the members of the board, amend the resolution levying 26924
a tax under division (A)(1) of this section to provide for an 26925
increase in the rate of that tax up to seven per cent on each 26926
transaction; to provide that revenue from the increase in the rate 26927
shall be used as described in division (H) of section 307.695 of 26928
the Revised Code or be spent solely to make contributions to the 26929
convention and visitors' bureau operating within the county to be 26930
used specifically for promotion, advertising, and marketing of the 26931
region in which the county is located; and to provide that the 26932
rate in excess of the three per cent levied under division (A)(1) 26933
of this section shall remain in effect at the rate at which it is 26934
imposed for the duration of the period during which any agreement 26935
is in effect that was entered into under section 307.695 of the 26936
Revised Code by the board of county commissioners levying a tax 26937
under division (A)(1) of this section, the duration of the period 26938
during which any securities issued by the board under division (I) 26939
of section 307.695 of the Revised Code are outstanding, or the 26940
duration of the period during which the board owns a project as 26941
defined in section 307.695 of the Revised Code, whichever duration 26942
is longest. The amendment also shall provide that no portion of 26943
that revenue need be returned to townships or municipal 26944
corporations as would otherwise be required under division (A)(1) 26945

of this section. 26946

(3) A board of county commissioners that levies a tax under 26947
division (A)(1) of this section on March 18, 1999, at a rate of 26948
three per cent may, by resolution adopted not later than 26949
forty-five days after March 18, 1999, amend the resolution levying 26950
the tax to provide for all of the following: 26951

(a) That the rate of the tax shall be increased by not more 26952
than an additional four per cent on each transaction; 26953

(b) That all of the revenue from the increase in the rate 26954
shall be pledged and contributed to a convention facilities 26955
authority established by the board of county commissioners under 26956
Chapter 351. of the Revised Code on or before November 15, 1998, 26957
and used to pay costs of constructing, maintaining, operating, and 26958
promoting a facility in the county, including paying bonds, or 26959
notes issued in anticipation of bonds, as provided by that 26960
chapter; 26961

(c) That no portion of the revenue arising from the increase 26962
in rate need be returned to municipal corporations or townships as 26963
otherwise required under division (A)(1) of this section; 26964

(d) That the increase in rate shall not be subject to 26965
diminution by initiative or referendum or by law while any bonds, 26966
or notes in anticipation of bonds, issued by the authority under 26967
Chapter 351. of the Revised Code to which the revenue is pledged, 26968
remain outstanding in accordance with their terms, unless 26969
provision is made by law or by the board of county commissioners 26970
for an adequate substitute therefor that is satisfactory to the 26971
trustee if a trust agreement secures the bonds. 26972

Division (A)(3) of this section does not apply to the board 26973
of county commissioners of any county in which a convention center 26974
or facility exists or is being constructed on November 15, 1998, 26975
or of any county in which a convention facilities authority levies 26976

a tax pursuant to section 351.021 of the Revised Code on that 26977
date. 26978

As used in division (A)(3) of this section, "cost" and 26979
"facility" have the same meanings as in section 351.01 of the 26980
Revised Code, and "convention center" has the same meaning as in 26981
section 307.695 of the Revised Code. 26982

(4)(a) A board of county commissioners that levies a tax 26983
under division (A)(1) of this section on June 30, 2002, at a rate 26984
of three per cent may, by resolution adopted not later than 26985
September 30, 2002, amend the resolution levying the tax to 26986
provide for all of the following: 26987

~~(a)(i)~~ That the rate of the tax shall be increased by not 26988
more than an additional three and one-half per cent on each 26989
transaction; 26990

~~(b)(ii)~~ That all of the revenue from the increase in rate 26991
shall be pledged and contributed to a convention facilities 26992
authority established by the board of county commissioners under 26993
Chapter 351. of the Revised Code on or before May 15, 2002, and be 26994
used to pay costs of constructing, expanding, maintaining, 26995
operating, or promoting a convention center in the county, 26996
including paying bonds, or notes issued in anticipation of bonds, 26997
as provided by that chapter; 26998

~~(c)(iii)~~ That no portion of the revenue arising from the 26999
increase in rate need be returned to municipal corporations or 27000
townships as otherwise required under division (A)(1) of this 27001
section; 27002

~~(d)(iv)~~ That the increase in rate shall not be subject to 27003
diminution by initiative or referendum or by law while any bonds, 27004
or notes in anticipation of bonds, issued by the authority under 27005
Chapter 351. of the Revised Code to which the revenue is pledged, 27006
remain outstanding in accordance with their terms, unless 27007

provision is made by law or by the board of county commissioners 27008
for an adequate substitute therefor that is satisfactory to the 27009
trustee if a trust agreement secures the bonds. 27010

(b) Any board of county commissioners that, pursuant to 27011
division (A)(4)(a) of this section, has amended a resolution 27012
levying the tax authorized by division (A)(1) of this section may 27013
further amend the resolution to provide that the revenue referred 27014
to in division (A)(4)(a)(ii) of this section shall be pledged and 27015
contributed both to a convention facilities authority to pay the 27016
costs of constructing, expanding, maintaining, or operating one or 27017
more convention centers in the county, including paying bonds, or 27018
notes issued in anticipation of bonds, as provided in Chapter 351. 27019
of the Revised Code, and to a convention and visitors' bureau to 27020
pay the costs of promoting one or more convention centers in the 27021
county. 27022

As used in division (A)(4) of this section, "cost" has the 27023
same meaning as in section 351.01 of the Revised Code, and 27024
"convention center" has the same meaning as in section 307.695 of 27025
the Revised Code. 27026

(5)(a) As used in division (A)(5) of this section: 27027

(i) "Port authority" means a port authority created under 27028
Chapter 4582. of the Revised Code. 27029

(ii) "Port authority military-use facility" means port 27030
authority facilities on which or adjacent to which is located an 27031
installation of the armed forces of the United States, a reserve 27032
component thereof, or the national guard and at least part of 27033
which is made available for use, for consideration, by the armed 27034
forces of the United States, a reserve component thereof, or the 27035
national guard. 27036

(b) For the purpose of contributing revenue to pay operating 27037
expenses of a port authority that operates a port authority 27038

military-use facility, the board of county commissioners of a 27039
county that created, participated in the creation of, or has 27040
joined such a port authority may do one or both of the following: 27041

(i) Amend a resolution previously adopted under division 27042
(A)(1) of this section to designate some or all of the revenue 27043
from the tax levied under the resolution to be used for that 27044
purpose, notwithstanding that division; 27045

(ii) Amend a resolution previously adopted under division 27046
(A)(1) of this section to increase the rate of the tax by not more 27047
than an additional two per cent and use the revenue from the 27048
increase exclusively for that purpose. 27049

(c) If a board of county commissioners amends a resolution to 27050
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 27051
of this section, the board also may amend the resolution to 27052
specify that the increase in rate of the tax does not apply to 27053
"hotels," as otherwise defined in section 5739.01 of the Revised 27054
Code, having fewer rooms used for the accommodation of guests than 27055
a number of rooms specified by the board. 27056

(6) A board of county commissioners of a county organized 27057
under a county charter adopted pursuant to Article X, Section 3, 27058
Ohio Constitution, and that levies an excise tax under division 27059
(A)(1) of this section at a rate of three per cent and levies an 27060
additional excise tax under division (E) of this section at a rate 27061
of one and one-half per cent may, by resolution adopted not later 27062
than January 1, 2008, by a majority of the members of the board, 27063
amend the resolution levying a tax under division (A)(1) of this 27064
section to provide for an increase in the rate of that tax by not 27065
more than an additional one per cent on transactions by which 27066
lodging by a hotel is or is to be furnished to transient guests. 27067
Notwithstanding divisions (A)(1) and (E) of this section, the 27068
resolution shall provide that all of the revenue from the increase 27069
in rate, after deducting the real and actual costs of 27070

administering the tax, shall be used to pay the costs of 27071
improving, expanding, equipping, financing, or operating a 27072
convention center by a convention and visitors' bureau in the 27073
county. The increase in rate shall remain in effect for the period 27074
specified in the resolution, not to exceed ten years. The increase 27075
in rate shall be subject to the regulations adopted under division 27076
(A)(1) of this section, except that the resolution may provide 27077
that no portion of the revenue from the increase in the rate shall 27078
be returned to townships or municipal corporations as would 27079
otherwise be required under that division. 27080

(7) Division (A)(7) of this section applies only to a county 27081
with a population greater than sixty-five thousand and less than 27082
seventy thousand according to the most recent federal decennial 27083
census and in which, on December 31, 2006, an excise tax is levied 27084
under division (A)(1) of this section at a rate not less than and 27085
not greater than three per cent, and in which the most recent 27086
increase in the rate of that tax was enacted or took effect in 27087
November 1984. 27088

The board of county commissioners of a county to which this 27089
division applies, by resolution adopted by a majority of the 27090
members of the board, may increase the rate of the tax by not more 27091
than one per cent on transactions by which lodging by a hotel is 27092
or is to be furnished to transient guests. The increase in rate 27093
shall be for the purpose of paying expenses deemed necessary by 27094
the convention and visitors' bureau operating in the county to 27095
promote travel and tourism. The increase in rate shall remain in 27096
effect for the period specified in the resolution, not to exceed 27097
twenty years, provided that the increase in rate may not continue 27098
beyond the time when the purpose for which the increase is levied 27099
ceases to exist. If revenue from the increase in rate is pledged 27100
to the payment of debt charges on securities, the increase in rate 27101
is not subject to diminution by initiative or referendum or by law 27102

for so long as the securities are outstanding, unless provision is 27103
made by law or by the board of county commissioners for an 27104
adequate substitute for that revenue that is satisfactory to the 27105
trustee if a trust agreement secures payment of the debt charges. 27106
The increase in rate shall be subject to the regulations adopted 27107
under division (A)(1) of this section, except that the resolution 27108
may provide that no portion of the revenue from the increase in 27109
the rate shall be returned to townships or municipal corporations 27110
as would otherwise be required under division (A)(1) of this 27111
section. A resolution adopted under division (A)(7) of this 27112
section is subject to referendum under sections 305.31 to 305.99 27113
of the Revised Code. 27114

(B)(1) The legislative authority of a municipal corporation 27115
or the board of trustees of a township that is not wholly or 27116
partly located in a county that has in effect a resolution levying 27117
an excise tax pursuant to division (A)(1) of this section may, by 27118
ordinance or resolution, levy an excise tax not to exceed three 27119
per cent on transactions by which lodging by a hotel is or is to 27120
be furnished to transient guests. The legislative authority of the 27121
municipal corporation or the board of trustees of the township 27122
shall deposit at least fifty per cent of the revenue from the tax 27123
levied pursuant to this division into a separate fund, which shall 27124
be spent solely to make contributions to convention and visitors' 27125
bureaus operating within the county in which the municipal 27126
corporation or township is wholly or partly located, and the 27127
balance of that revenue shall be deposited in the general fund. 27128
The municipal corporation or township shall establish all 27129
regulations necessary to provide for the administration and 27130
allocation of the tax. The regulations may prescribe the time for 27131
payment of the tax, and may provide for the imposition of a 27132
penalty or interest, or both, for late payments, provided that the 27133
penalty does not exceed ten per cent of the amount of tax due, and 27134
the rate at which interest accrues does not exceed the rate per 27135

annum prescribed pursuant to section 5703.47 of the Revised Code. 27136
The levy of a tax under this division is in addition to any tax 27137
imposed on the same transaction by a municipal corporation or a 27138
township as authorized by division (A) of section 5739.08 of the 27139
Revised Code. 27140

(2)(a) The legislative authority of the most populous 27141
municipal corporation located wholly or partly in a county in 27142
which the board of county commissioners has levied a tax under 27143
division (A)(4) of this section may amend, on or before September 27144
30, 2002, that municipal corporation's ordinance or resolution 27145
that levies an excise tax on transactions by which lodging by a 27146
hotel is or is to be furnished to transient guests, to provide for 27147
all of the following: 27148

~~(a)(i)~~ That the rate of the tax shall be increased by not 27149
more than an additional one per cent on each transaction; 27150

~~(b)(ii)~~ That all of the revenue from the increase in rate 27151
shall be pledged and contributed to a convention facilities 27152
authority established by the board of county commissioners under 27153
Chapter 351. of the Revised Code on or before May 15, 2002, and be 27154
used to pay costs of constructing, expanding, maintaining, 27155
operating, or promoting a convention center in the county, 27156
including paying bonds, or notes issued in anticipation of bonds, 27157
as provided by that chapter; 27158

~~(c)(iii)~~ That the increase in rate shall not be subject to 27159
diminution by initiative or referendum or by law while any bonds, 27160
or notes in anticipation of bonds, issued by the authority under 27161
Chapter 351. of the Revised Code to which the revenue is pledged, 27162
remain outstanding in accordance with their terms, unless 27163
provision is made by law, by the board of county commissioners, or 27164
by the legislative authority, for an adequate substitute therefor 27165
that is satisfactory to the trustee if a trust agreement secures 27166
the bonds. 27167

(b) The legislative authority of a municipal corporation 27168
that, pursuant to division (B)(2)(a) of this section, has amended 27169
its ordinance or resolution to increase the rate of the tax 27170
authorized by division (B)(1) of this section may further amend 27171
the ordinance or resolution to provide that the revenue referred 27172
to in division (B)(2)(a)(ii) of this section shall be pledged and 27173
contributed both to a convention facilities authority to pay the 27174
costs of constructing, expanding, maintaining, or operating one or 27175
more convention centers in the county, including paying bonds, or 27176
notes issued in anticipation of bonds, as provided in Chapter 351. 27177
of the Revised Code, and to a convention and visitors' bureau to 27178
pay the costs of promoting one or more convention centers in the 27179
county. 27180

As used in division (B)(2) of this section, "cost" has the 27181
same meaning as in section 351.01 of the Revised Code, and 27182
"convention center" has the same meaning as in section 307.695 of 27183
the Revised Code. 27184

(C) For the purposes described in section 307.695 of the 27185
Revised Code and to cover the costs of administering the tax, a 27186
board of county commissioners of a county where a tax imposed 27187
under division (A)(1) of this section is in effect may, by 27188
resolution adopted within ninety days after July 15, 1985, by a 27189
majority of the members of the board, levy an additional excise 27190
tax not to exceed three per cent on transactions by which lodging 27191
by a hotel is or is to be furnished to transient guests. The tax 27192
authorized by this division shall be in addition to any tax that 27193
is levied pursuant to division (A) of this section, but it shall 27194
not apply to transactions subject to a tax levied by a municipal 27195
corporation or township pursuant to the authorization granted by 27196
division (A) of section 5739.08 of the Revised Code. The board 27197
shall establish all regulations necessary to provide for the 27198
administration and allocation of the tax. The regulations may 27199

prescribe the time for payment of the tax, and may provide for the 27200
imposition of a penalty or interest, or both, for late payments, 27201
provided that the penalty does not exceed ten per cent of the 27202
amount of tax due, and the rate at which interest accrues does not 27203
exceed the rate per annum prescribed pursuant to section 5703.47 27204
of the Revised Code. All revenues arising from the tax shall be 27205
expended in accordance with section 307.695 of the Revised Code. 27206
The board of county commissioners of an eligible county as defined 27207
in section 307.695 of the Revised Code may, by resolution adopted 27208
by a majority of the members of the board, amend the resolution 27209
levying a tax under this division to provide that the revenue from 27210
the tax shall be used by the board as described in division (H) of 27211
section 307.695 of the Revised Code. A tax imposed under this 27212
division shall remain in effect at the rate at which it is imposed 27213
for the duration of the period during which any agreement entered 27214
into by the board under section 307.695 of the Revised Code is in 27215
effect, the duration of the period during which any securities 27216
issued by the board under division (I) of section 307.695 of the 27217
Revised Code are outstanding, or the duration of the period during 27218
which the board owns a project as defined in section 307.695 of 27219
the Revised Code, whichever duration is longest. 27220

(D) For the purpose of providing contributions under division 27221
(B)(1) of section 307.671 of the Revised Code to enable the 27222
acquisition, construction, and equipping of a port authority 27223
educational and cultural facility in the county and, to the extent 27224
provided for in the cooperative agreement authorized by that 27225
section, for the purpose of paying debt service charges on bonds, 27226
or notes in anticipation of bonds, described in division (B)(1)(b) 27227
of that section, a board of county commissioners, by resolution 27228
adopted within ninety days after December 22, 1992, by a majority 27229
of the members of the board, may levy an additional excise tax not 27230
to exceed one and one-half per cent on transactions by which 27231
lodging by a hotel is or is to be furnished to transient guests. 27232

The excise tax authorized by this division shall be in addition to 27233
any tax that is levied pursuant to divisions (A), (B), and (C) of 27234
this section, to any excise tax levied pursuant to section 5739.08 27235
of the Revised Code, and to any excise tax levied pursuant to 27236
section 351.021 of the Revised Code. The board of county 27237
commissioners shall establish all regulations necessary to provide 27238
for the administration and allocation of the tax that are not 27239
inconsistent with this section or section 307.671 of the Revised 27240
Code. The regulations may prescribe the time for payment of the 27241
tax, and may provide for the imposition of a penalty or interest, 27242
or both, for late payments, provided that the penalty does not 27243
exceed ten per cent of the amount of tax due, and the rate at 27244
which interest accrues does not exceed the rate per annum 27245
prescribed pursuant to section 5703.47 of the Revised Code. All 27246
revenues arising from the tax shall be expended in accordance with 27247
section 307.671 of the Revised Code and division (D) of this 27248
section. The levy of a tax imposed under this division may not 27249
commence prior to the first day of the month next following the 27250
execution of the cooperative agreement authorized by section 27251
307.671 of the Revised Code by all parties to that agreement. The 27252
tax shall remain in effect at the rate at which it is imposed for 27253
the period of time described in division (C) of section 307.671 of 27254
the Revised Code for which the revenue from the tax has been 27255
pledged by the county to the corporation pursuant to that section, 27256
but, to any extent provided for in the cooperative agreement, for 27257
no lesser period than the period of time required for payment of 27258
the debt service charges on bonds, or notes in anticipation of 27259
bonds, described in division (B)(1)(b) of that section. 27260

(E) For the purpose of paying the costs of acquiring, 27261
constructing, equipping, and improving a municipal educational and 27262
cultural facility, including debt service charges on bonds 27263
provided for in division (B) of section 307.672 of the Revised 27264
Code, and for any additional purposes determined by the county in 27265

the resolution levying the tax or amendments to the resolution, 27266
including subsequent amendments providing for paying costs of 27267
acquiring, constructing, renovating, rehabilitating, equipping, 27268
and improving a port authority educational and cultural performing 27269
arts facility, as defined in section 307.674 of the Revised Code, 27270
and including debt service charges on bonds provided for in 27271
division (B) of section 307.674 of the Revised Code, the 27272
legislative authority of a county, by resolution adopted within 27273
ninety days after June 30, 1993, by a majority of the members of 27274
the legislative authority, may levy an additional excise tax not 27275
to exceed one and one-half per cent on transactions by which 27276
lodging by a hotel is or is to be furnished to transient guests. 27277
The excise tax authorized by this division shall be in addition to 27278
any tax that is levied pursuant to divisions (A), (B), (C), and 27279
(D) of this section, to any excise tax levied pursuant to section 27280
5739.08 of the Revised Code, and to any excise tax levied pursuant 27281
to section 351.021 of the Revised Code. The legislative authority 27282
of the county shall establish all regulations necessary to provide 27283
for the administration and allocation of the tax. The regulations 27284
may prescribe the time for payment of the tax, and may provide for 27285
the imposition of a penalty or interest, or both, for late 27286
payments, provided that the penalty does not exceed ten per cent 27287
of the amount of tax due, and the rate at which interest accrues 27288
does not exceed the rate per annum prescribed pursuant to section 27289
5703.47 of the Revised Code. All revenues arising from the tax 27290
shall be expended in accordance with section 307.672 of the 27291
Revised Code and this division. The levy of a tax imposed under 27292
this division shall not commence prior to the first day of the 27293
month next following the execution of the cooperative agreement 27294
authorized by section 307.672 of the Revised Code by all parties 27295
to that agreement. The tax shall remain in effect at the rate at 27296
which it is imposed for the period of time determined by the 27297
legislative authority of the county. That period of time shall not 27298

exceed fifteen years, except that the legislative authority of a 27299
county with a population of less than two hundred fifty thousand 27300
according to the most recent federal decennial census, by 27301
resolution adopted by a majority of its members before the 27302
original tax expires, may extend the duration of the tax for an 27303
additional period of time. The additional period of time by which 27304
a legislative authority extends a tax levied under this division 27305
shall not exceed fifteen years. 27306

(F) The legislative authority of a county that has levied a 27307
tax under division (E) of this section may, by resolution adopted 27308
within one hundred eighty days after January 4, 2001, by a 27309
majority of the members of the legislative authority, amend the 27310
resolution levying a tax under that division to provide for the 27311
use of the proceeds of that tax, to the extent that it is no 27312
longer needed for its original purpose as determined by the 27313
parties to a cooperative agreement amendment pursuant to division 27314
(D) of section 307.672 of the Revised Code, to pay costs of 27315
acquiring, constructing, renovating, rehabilitating, equipping, 27316
and improving a port authority educational and cultural performing 27317
arts facility, including debt service charges on bonds provided 27318
for in division (B) of section 307.674 of the Revised Code, and to 27319
pay all obligations under any guaranty agreements, reimbursement 27320
agreements, or other credit enhancement agreements described in 27321
division (C) of section 307.674 of the Revised Code. The 27322
resolution may also provide for the extension of the tax at the 27323
same rate for the longer of the period of time determined by the 27324
legislative authority of the county, but not to exceed an 27325
additional twenty-five years, or the period of time required to 27326
pay all debt service charges on bonds provided for in division (B) 27327
of section 307.672 of the Revised Code and on port authority 27328
revenue bonds provided for in division (B) of section 307.674 of 27329
the Revised Code. All revenues arising from the amendment and 27330
extension of the tax shall be expended in accordance with section 27331

307.674 of the Revised Code, this division, and division (E) of 27332
this section. 27333

(G) For purposes of a tax levied by a county, township, or 27334
municipal corporation under this section or section 5739.08 of the 27335
Revised Code, a board of county commissioners, board of township 27336
trustees, or the legislative authority of a municipal corporation 27337
may adopt a resolution or ordinance at any time specifying that 27338
"hotel," as otherwise defined in section 5739.01 of the Revised 27339
Code, includes establishments in which fewer than five rooms are 27340
used for the accommodation of guests. The resolution or ordinance 27341
may apply to a tax imposed pursuant to this section prior to the 27342
adoption of the resolution or ordinance if the resolution or 27343
ordinance so states, but the tax shall not apply to transactions 27344
by which lodging by such an establishment is provided to transient 27345
guests prior to the adoption of the resolution or ordinance. 27346

(H)(1) As used in this division: 27347

(a) "Convention facilities authority" has the same meaning as 27348
in section 351.01 of the Revised Code. 27349

(b) "Convention center" has the same meaning as in section 27350
307.695 of the Revised Code. 27351

(2) Notwithstanding any contrary provision of division (D) of 27352
this section, the legislative authority of a county with a 27353
population of one million or more according to the most recent 27354
federal decennial census that has levied a tax under division (D) 27355
of this section may, by resolution adopted by a majority of the 27356
members of the legislative authority, provide for the extension of 27357
such levy and may provide that the proceeds of that tax, to the 27358
extent that they are no longer needed for their original purpose 27359
as defined by a cooperative agreement entered into under section 27360
307.671 of the Revised Code, shall be deposited into the county 27361
general revenue fund. The resolution shall provide for the 27362

extension of the tax at a rate not to exceed the rate specified in 27363
division (D) of this section for a period of time determined by 27364
the legislative authority of the county, but not to exceed an 27365
additional forty years. 27366

(3) The legislative authority of a county with a population 27367
of one million or more that has levied a tax under division (A)(1) 27368
of this section may, by resolution adopted by a majority of the 27369
members of the legislative authority, increase the rate of the tax 27370
levied by such county under division (A)(1) of this section to a 27371
rate not to exceed five per cent on transactions by which lodging 27372
by a hotel is or is to be furnished to transient guests. 27373
Notwithstanding any contrary provision of division (A)(1) of this 27374
section, the resolution may provide that all collections resulting 27375
from the rate levied in excess of three per cent, after deducting 27376
the real and actual costs of administering the tax, shall be 27377
deposited in the county general fund. 27378

(4) The legislative authority of a county with a population 27379
of one million or more that has levied a tax under division (A)(1) 27380
of this section may, by resolution adopted on or before August 30, 27381
2004, by a majority of the members of the legislative authority, 27382
provide that all or a portion of the proceeds of the tax levied 27383
under division (A)(1) of this section, after deducting the real 27384
and actual costs of administering the tax and the amounts required 27385
to be returned to townships and municipal corporations with 27386
respect to the first three per cent levied under division (A)(1) 27387
of this section, shall be deposited in the county general fund, 27388
provided that such proceeds shall be used to satisfy any pledges 27389
made in connection with an agreement entered into under section 27390
307.695 of the Revised Code. 27391

(5) No amount collected from a tax levied, extended, or 27392
required to be deposited in the county general fund under division 27393
(H) of this section shall be contributed to a convention 27394

facilities authority, corporation, or other entity created after 27395
July 1, 2003, for the principal purpose of constructing, 27396
improving, expanding, equipping, financing, or operating a 27397
convention center unless the mayor of the municipal corporation in 27398
which the convention center is to be operated by that convention 27399
facilities authority, corporation, or other entity has consented 27400
to the creation of that convention facilities authority, 27401
corporation, or entity. Notwithstanding any contrary provision of 27402
section 351.04 of the Revised Code, if a tax is levied by a county 27403
under division (H) of this section, the board of county 27404
commissioners of that county may determine the manner of 27405
selection, the qualifications, the number, and terms of office of 27406
the members of the board of directors of any convention facilities 27407
authority, corporation, or other entity described in division 27408
(H)(5) of this section. 27409

(6)(a) No amount collected from a tax levied, extended, or 27410
required to be deposited in the county general fund under division 27411
(H) of this section may be used for any purpose other than paying 27412
the direct and indirect costs of constructing, improving, 27413
expanding, equipping, financing, or operating a convention center 27414
and for the real and actual costs of administering the tax, 27415
unless, prior to the adoption of the resolution of the legislative 27416
authority of the county authorizing the levy, extension, increase, 27417
or deposit, the county and the mayor of the most populous 27418
municipal corporation in that county have entered into an 27419
agreement as to the use of such amounts, provided that such 27420
agreement has been approved by a majority of the mayors of the 27421
other municipal corporations in that county. The agreement shall 27422
provide that the amounts to be used for purposes other than paying 27423
the convention center or administrative costs described in 27424
division (H)(6)(a) of this section be used only for the direct and 27425
indirect costs of capital improvements, including the financing of 27426
capital improvements. 27427

(b) If the county in which the tax is levied has an association of mayors and city managers, the approval of that association of an agreement described in division (H)(6)(a) of this section shall be considered to be the approval of the majority of the mayors of the other municipal corporations for purposes of that division.

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (H) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(I)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original

purpose as defined by a cooperative agreement entered into under 27459
section 307.671 of the Revised Code and after deducting the real 27460
and actual costs of administering the tax, shall be used for 27461
paying the direct and indirect costs of constructing, improving, 27462
expanding, equipping, financing, or operating a convention center. 27463
The resolution shall provide for the extension of the tax at a 27464
rate not to exceed the rate specified in division (D) of this 27465
section for a period of time determined by the legislative 27466
authority of the county, but not to exceed an additional forty 27467
years. 27468

(3) The legislative authority of a county with a population 27469
of one million two hundred thousand or more that has levied a tax 27470
under division (A)(1) of this section may, by resolution adopted 27471
by a majority of the members of the legislative authority, 27472
increase the rate of the tax levied by such county under division 27473
(A)(1) of this section to a rate not to exceed five per cent on 27474
transactions by which lodging by a hotel is or is to be furnished 27475
to transient guests. Notwithstanding any contrary provision of 27476
division (A)(1) of this section, the resolution shall provide that 27477
all collections resulting from the rate levied in excess of three 27478
per cent, after deducting the real and actual costs of 27479
administering the tax, shall be used for paying the direct and 27480
indirect costs of constructing, improving, expanding, equipping, 27481
financing, or operating a convention center. 27482

(4) The legislative authority of a county with a population 27483
of one million two hundred thousand or more that has levied a tax 27484
under division (A)(1) of this section may, by resolution adopted 27485
on or before July 1, 2008, by a majority of the members of the 27486
legislative authority, provide that all or a portion of the 27487
proceeds of the tax levied under division (A)(1) of this section, 27488
after deducting the real and actual costs of administering the tax 27489
and the amounts required to be returned to townships and municipal 27490

corporations with respect to the first three per cent levied under 27491
division (A)(1) of this section, shall be used to satisfy any 27492
pledges made in connection with an agreement entered into under 27493
section 307.695 of the Revised Code or shall otherwise be used for 27494
paying the direct and indirect costs of constructing, improving, 27495
expanding, equipping, financing, or operating a convention center. 27496

(5) Any amount collected from a tax levied or extended under 27497
division (I) of this section may be contributed to a convention 27498
facilities authority created before July 1, 2005, but no amount 27499
collected from a tax levied or extended under division (I) of this 27500
section may be contributed to a convention facilities authority, 27501
corporation, or other entity created after July 1, 2005, unless 27502
the mayor of the municipal corporation in which the convention 27503
center is to be operated by that convention facilities authority, 27504
corporation, or other entity has consented to the creation of that 27505
convention facilities authority, corporation, or entity. 27506

Sec. 5739.12. (A)(1) Each person who has or is required to 27507
have a vendor's license, on or before the twenty-third day of each 27508
month, shall make and file a return for the preceding month,~~on~~ 27509
~~forms in the form~~ prescribed by the tax commissioner, and shall 27510
pay the tax shown on the return to be due. The return shall be 27511
filed electronically using the Ohio business gateway, as defined 27512
in section 718.051 of the Revised Code, the Ohio telefile system, 27513
or any other electronic means prescribed by the commissioner. 27514
Payment of the tax shown on the return to be due shall be made 27515
electronically in a manner approved by the commissioner. The 27516
commissioner may require a vendor that operates from multiple 27517
locations or has multiple vendor's licenses to report all tax 27518
liabilities on one consolidated return. The return shall show the 27519
amount of tax due from the vendor to the state for the period 27520
covered by the return and such other information as the 27521
commissioner deems necessary for the proper administration of this 27522

chapter. The commissioner may extend the time for making and 27523
filing returns and paying the tax, and may require that the return 27524
for the last month of any annual or semiannual period, as 27525
determined by the commissioner, be a reconciliation return 27526
detailing the vendor's sales activity for the preceding annual or 27527
semiannual period. The reconciliation return shall be filed by the 27528
last day of the month following the last month of the annual or 27529
semiannual period. The commissioner may remit all or any part of 27530
amounts or penalties that may become due under this chapter and 27531
may adopt rules relating thereto. Such return shall be filed 27532
electronically as directed by ~~mailing it to~~ the tax commissioner, 27533
~~together with~~ and payment of the amount of tax shown to be due 27534
thereon, after deduction of any discount provided for under this 27535
section. ~~Remittance,~~ shall be made ~~payable to the treasurer of~~ 27536
~~state. The return shall be considered filed when received by the~~ 27537
~~tax commissioner, and the payment shall be considered made when~~ 27538
~~received by the tax commissioner or when credited to an account~~ 27539
~~designated by the treasurer of state or~~ electronically in a manner 27540
approved by the tax commissioner. 27541

(2) Any person required to file returns and make payments 27542
electronically under division (A)(1) of this section may apply to 27543
the tax commissioner on a form prescribed by the commissioner to 27544
be excused from that requirement. For good cause shown, the 27545
commissioner may excuse the person from that requirement and may 27546
permit the person to file the returns and make the payments 27547
required by this section by nonelectronic means. 27548

(B)(1) If the return is filed and the amount of tax shown 27549
thereon to be due is paid on or before the date such return is 27550
required to be filed, the vendor shall be entitled to a discount 27551
of: 27552

~~(a) On and after July 1, 2005, and on and before June 30,~~ 27553
~~2007, nine tenths of one per cent of the amount shown to be due on~~ 27554

~~the return;~~ 27555

~~(b) On and after July 1, 2007,~~ three-fourths of one per cent 27556
of the amount shown to be due on the return. 27557

(2) A vendor that has selected a certified service provider 27558
as its agent shall not be entitled to the discount if the 27559
certified service provider receives a monetary allowance pursuant 27560
to section 5739.06 of the Revised Code for performing the vendor's 27561
sales and use tax functions in this state. Amounts paid to the 27562
clerk of courts pursuant to section 4505.06 of the Revised Code 27563
shall be subject to the applicable discount. The discount shall be 27564
in consideration for prompt payment to the clerk of courts and for 27565
other services performed by the vendor in the collection of the 27566
tax. 27567

(C)(1) Upon application to the tax commissioner, a vendor who 27568
is required to file monthly returns may be relieved of the 27569
requirement to report and pay the actual tax due, provided that 27570
the vendor agrees to remit to the ~~tax~~ commissioner payment of not 27571
less than an amount determined by the commissioner to be the 27572
average monthly tax liability of the vendor, based upon a review 27573
of the returns or other information pertaining to such vendor for 27574
a period of not less than six months nor more than two years 27575
immediately preceding the filing of the application. Vendors who 27576
agree to the above conditions shall make and file an annual or 27577
semiannual reconciliation return, as prescribed by the 27578
commissioner. The reconciliation return shall be filed 27579
electronically as directed by ~~mailing or delivering it to~~ the tax 27580
commissioner, ~~together with~~ and payment of the amount of tax shown 27581
to be due thereon, after deduction of any discount provided in 27582
this section. ~~Remittance,~~ shall be made ~~payable to the treasurer~~ 27583
~~of state~~ electronically in a manner approved by the commissioner. 27584
Failure of a vendor to comply with any of the above conditions may 27585
result in immediate reinstatement of the requirement of reporting 27586

and paying the actual tax liability on each monthly return, and 27587
the commissioner may at the commissioner's discretion deny the 27588
vendor the right to report and pay based upon the average monthly 27589
liability for a period not to exceed two years. The amount 27590
ascertained by the commissioner to be the average monthly tax 27591
liability of a vendor may be adjusted, based upon a review of the 27592
returns or other information pertaining to the vendor for a period 27593
of not less than six months nor more than two years preceding such 27594
adjustment. 27595

(2) The commissioner may authorize vendors whose tax 27596
liability is not such as to merit monthly returns, as ascertained 27597
by the commissioner upon the basis of administrative costs to the 27598
state, to make and file returns at less frequent intervals. When 27599
returns are filed at less frequent intervals in accordance with 27600
such authorization, the vendor shall be allowed the discount 27601
provided in this section in consideration for prompt payment with 27602
the return, provided the return is filed ~~together with~~ and payment 27603
is made of the amount of tax shown to be due thereon, at the time 27604
specified by the commissioner, but a vendor that has selected a 27605
certified service provider as its agent shall not be entitled to 27606
the discount. 27607

(D) Any vendor who fails to file a return or to pay the full 27608
amount of the tax shown on the return to be due in the manner 27609
prescribed under this section and the rules of the commissioner 27610
may, for each such return ~~the vendor fails to file or each such~~ 27611
~~tax the vendor fails to pay in full as shown on the return within~~ 27612
~~the period prescribed by this section and the rules of the~~ 27613
~~commissioner~~, be required to forfeit and pay into the state 27614
treasury an additional charge not exceeding fifty dollars or ten 27615
per cent of the tax required to be paid for the reporting period, 27616
whichever is greater, as revenue arising from the tax imposed by 27617
this chapter, and such sum may be collected by assessment in the 27618

manner provided in section 5739.13 of the Revised Code. The 27619
commissioner may remit all or a portion of the additional charge 27620
and may adopt rules relating to the imposition and remission of 27621
the additional charge. 27622

(E) If the amount required to be collected by a vendor from 27623
consumers is in excess of the applicable percentage of the 27624
vendor's receipts from sales that are taxable under section 27625
5739.02 of the Revised Code, or in the case of sales subject to a 27626
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 27627
the Revised Code, in excess of the percentage equal to the 27628
aggregate rate of such taxes and the tax levied by section 5739.02 27629
of the Revised Code, such excess shall be remitted along with the 27630
remittance of the amount of tax due under section 5739.10 of the 27631
Revised Code. 27632

(F) The commissioner, if the commissioner deems it necessary 27633
in order to insure the payment of the tax imposed by this chapter, 27634
may require returns and payments to be made for other than monthly 27635
periods. ~~The returns shall be signed by the vendor or the vendor's~~ 27636
~~authorized agent.~~ 27637

(G) Any vendor required to file a return and pay the tax 27638
under this section, ~~whose total payment for a year equals or~~ 27639
~~exceeds the amount shown in division (A) of section 5739.122 of~~ 27640
~~the Revised Code, shall make each payment required by this section~~ 27641
~~in the second ensuing and each succeeding year by electronic funds~~ 27642
~~transfer as prescribed by, and on or before the dates specified~~ 27643
~~in, section 5739.122 of the Revised Code, except as otherwise~~ 27644
~~prescribed by~~ is subject to the accelerated tax payment 27645
requirements in divisions (B) and (C) of that section. For a 27646
vendor that operates from multiple locations or has multiple 27647
vendor's licenses, in determining whether the vendor's total 27648
payment equals or exceeds the amount shown in division (A) of that 27649
section, the vendor's total payment amount shall be the amount of 27650

the vendor's total tax liability for the previous calendar year 27651
for all of the vendor's locations or licenses. 27652

Sec. 5739.122. (A) If the total amount of tax required to be 27653
paid by a vendor under section 5739.12 of the Revised Code for any 27654
calendar year equals or exceeds seventy-five thousand dollars, the 27655
vendor shall remit each monthly tax payment in the second ensuing 27656
and each succeeding tax year ~~by electronic funds transfer on an~~ 27657
accelerated basis as prescribed by divisions (B) and (C) of this 27658
section. 27659

If a vendor's tax payment for each of two consecutive years 27660
is less than seventy-five thousand dollars, the vendor is relieved 27661
of the requirement to remit taxes ~~by electronic funds transfer in~~ 27662
the manner prescribed by this section for the year that next 27663
follows the second of the consecutive years in which the tax 27664
payment is less than that amount, and is relieved of that 27665
requirement for each succeeding year, unless the tax payment in a 27666
subsequent year equals or exceeds seventy-five thousand dollars. 27667

The tax commissioner shall notify each vendor required to 27668
~~remit taxes by electronic funds transfer~~ make accelerated tax 27669
payments of the vendor's obligation to do so, ~~and~~ shall maintain 27670
an updated list of those vendors, ~~and shall timely certify the~~ 27671
~~list and any additions thereto or deletions therefrom to the~~ 27672
~~treasurer of state.~~ Failure by the tax commissioner to notify a 27673
vendor subject to this section to remit taxes ~~by electronic funds~~ 27674
~~transfer on an accelerated basis~~ does not relieve the vendor of 27675
its obligation to remit taxes ~~by electronic funds transfer as~~ 27676
provided under division (B) of this section. 27677

(B) Vendors required by division (A) of this section to ~~remit~~ 27678
make accelerated tax payments ~~by electronic funds transfer~~ shall 27679
electronically remit such payments to the ~~treasurer of state tax~~ 27680
commissioner in the a manner ~~prescribed by this section and rules~~ 27681

~~adopted approved~~ by the ~~treasurer of state~~ under ~~section 113.061~~ 27682
~~of the Revised Code, and commissioner,~~ as follows: 27683

(1) On or before the twenty-third day of each month, a vendor 27684
shall remit an amount equal to seventy-five per cent of the 27685
anticipated tax liability for that month. 27686

(2) On or before the twenty-third day of each month, a vendor 27687
shall report the taxes collected for the previous month and shall 27688
remit that amount, less any amounts paid for that month as 27689
required by division (B)(1) of this section. 27690

The payment of taxes ~~by electronic funds transfer on an~~ 27691
accelerated basis under this section does not affect a vendor's 27692
obligation to file ~~the monthly return~~ returns and pay the tax 27693
shown on the returns to be due as required under section 5739.12 27694
of the Revised Code. 27695

(C) A vendor required by this section to remit taxes ~~by~~ 27696
~~electronic funds transfer on an~~ accelerated basis may apply to the 27697
~~treasurer of state~~ tax commissioner, in the manner prescribed by 27698
the ~~treasurer of state~~ commissioner, to be excused from that 27699
requirement. The ~~treasurer of state~~ commissioner may excuse the 27700
vendor from remittance ~~by electronic funds transfer on an~~ 27701
accelerated basis for good cause shown for the period of time 27702
requested by the vendor or for a portion of that period. ~~The~~ 27703
~~treasurer of state shall notify the tax commissioner and the~~ 27704
~~vendor of the treasurer of state's decision as soon as is~~ 27705
~~practicable.~~ 27706

(D)(1)(a) If a vendor that is required to remit payments 27707
under division (B) of this section fails to make a payment 27708
required under division (B)(1) of this section, or makes a payment 27709
under division (B)(1) of this section that is less than 27710
seventy-five per cent of the actual liability for that month, the 27711
commissioner may impose an additional charge not to exceed five 27712

per cent of that unpaid amount. 27713

(b) Division (D)(1)(a) of this section does not apply if the 27714
vendor's payment under division (B)(1) of this section is equal to 27715
or greater than seventy-five per cent of the vendor's reported 27716
liability for the same month in the immediately preceding calendar 27717
year. 27718

~~(2) If a vendor required by this section to remit taxes by 27719
electronic funds transfer remits those taxes by some means other 27720
than by electronic funds transfer as prescribed by this section 27721
and the rules adopted by the treasurer of state, and the treasurer 27722
of state determines that such failure was not due to reasonable 27723
cause or was due to willful neglect, the treasurer of state shall 27724
notify the tax commissioner of the failure to remit by electronic 27725
funds transfer and shall provide the commissioner with any 27726
information used in making that determination. The tax 27727
commissioner may impose an additional charge not to exceed the 27728
lesser of five per cent of the amount of the taxes required to be 27729
paid by electronic funds transfer or five thousand dollars. 27730~~

~~(3) Any additional charge imposed under division (D)(1) or 27731
(2) of this section is in addition to any other penalty or charge 27732
imposed under this chapter, and shall be considered as revenue 27733
arising from taxes imposed under this chapter. An additional 27734
charge may be collected by assessment in the manner prescribed by 27735
section 5739.13 of the Revised Code. The tax commissioner may 27736
waive all or a portion of such a charge and may adopt rules 27737
governing such waiver. 27738~~

~~No additional charge shall be imposed under division (D)(2) 27739
of this section against a vendor that has been notified of its 27740
obligation to remit taxes under this section and that remits its 27741
first two tax payments after such notification by some means other 27742
than electronic funds transfer. The additional charge may be 27743
imposed upon the remittance of any subsequent tax payment that the 27744~~

~~vendor remits by some means other than electronic funds transfer.~~ 27745

Sec. 5739.124. (A) If required by the tax commissioner, a 27746
~~person permit holder~~ required to make payments ~~by electronic funds~~ 27747
~~transfer~~ under section 5739.032 ~~or 5739.122~~ of the Revised Code 27748
shall file all returns and reports electronically. The 27749
commissioner may require the ~~person permit holder~~ to use the Ohio 27750
business gateway, as defined in section 718.051 of the Revised 27751
Code, or any other electronic means approved by the commissioner, 27752
to file the returns and reports, or to remit the tax, in lieu of 27753
the manner prescribed ~~by the treasurer of state~~ under ~~sections~~ 27754
section 5739.032 ~~and 5739.122~~ of the Revised Code. 27755

(B) A person required under this section to file reports and 27756
returns electronically may apply to the tax commissioner to be 27757
excused from that requirement. Applications shall be made on a 27758
form prescribed by the commissioner. The commissioner may approve 27759
the application for good cause. 27760

(C)(1) If a person required to file a report or return 27761
electronically under this section fails to do so, the tax 27762
commissioner may impose an additional charge not to exceed the 27763
following: 27764

(a) For each of the first two failures, five per cent of the 27765
amount required to be reported on the report or return; 27766

(b) For the third and any subsequent failure, ten per cent of 27767
the amount required to be reported on the report or return. 27768

(2) The charges authorized under division (C)(1) of this 27769
section are in addition to any other charge or penalty authorized 27770
under this chapter, and shall be considered as revenue arising 27771
from taxes imposed under this chapter. An additional charge may be 27772
collected by assessment in the manner prescribed by section 27773
5739.13 of the Revised Code. The commissioner may waive all or a 27774

portion of such a charge and may adopt rules governing such 27775
waiver. 27776

Sec. 5739.21. (A) One hundred per cent of all money deposited 27777
into the state treasury under sections 5739.01 to 5739.31 of the 27778
Revised Code ~~and that is~~ not required to be distributed as 27779
provided in section 5739.102 of the Revised Code or division (B) 27780
of this section shall be credited to the general revenue fund. 27781
27782

(B)(1) In any case where any county or transit authority has 27783
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 27784
5739.026 of the Revised Code, the tax commissioner shall, within 27785
forty-five days after the end of each month, determine and certify 27786
to the director of budget and management the amount of the 27787
proceeds of such tax or taxes received during that month from 27788
billings and assessments, or associated with tax returns or 27789
reports filed during that month, to be returned to the county or 27790
transit authority levying the tax or taxes. The amount to be 27791
returned to each county and transit authority shall be a fraction 27792
of the aggregate amount of money collected with respect to each 27793
area in which one or more of such taxes are concurrently in effect 27794
with the tax levied by section 5739.02 of the Revised Code. The 27795
numerator of the fraction is the rate of the tax levied by the 27796
county or transit authority and the denominator of the fraction is 27797
the aggregate rate of such taxes applicable to such area. The 27798
amount to be returned to each county or transit authority shall be 27799
reduced by the amount of any refunds of county or transit 27800
authority tax paid pursuant to section 5739.07 of the Revised Code 27801
during the same month, or transfers made pursuant to division 27802
(B)(2) of section 5703.052 of the Revised Code. 27803

(2) On a periodic basis, using the best information 27804
available, the tax commissioner shall distribute any amount of a 27805

county or transit authority tax that cannot be distributed under 27806
division (B)(1) of this section. Through audit or other means, the 27807
commissioner shall attempt to obtain the information necessary to 27808
make the distribution as provided under that division and, on 27809
receipt of that information, shall make adjustments to 27810
distributions previously made under this division. 27811

(3) Beginning July 1, 2008, eight and thirty-three 27812
one-hundredths of one per cent of the revenue collected from the 27813
tax due under division (A) of section 5739.029 of the Revised Code 27814
shall be distributed to the county where the sale of the motor 27815
vehicle is situated under section 5739.035 of the Revised Code. The 27816
amount to be so distributed to the county shall be apportioned on 27817
the basis of the rates of taxes the county levies pursuant to 27818
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 27819
and shall be credited to the funds of the county as provided in 27820
divisions (A) and (B) of section 5739.211 of the Revised Code. 27821

(C) The aggregate amount to be returned to any county or 27822
transit authority shall be reduced by one per cent, which shall be 27823
certified directly to the credit of the local sales tax 27824
administrative fund, which is hereby created in the state 27825
treasury. For the purpose of determining the amount to be returned 27826
to a county and transit authority in which the rate of tax imposed 27827
by the transit authority has been reduced under section 5739.028 27828
of the Revised Code, the tax commissioner shall use the respective 27829
rates of tax imposed by the county or transit authority that 27830
results from the change in the rates authorized under that 27831
section. 27832

(D) The director of budget and management shall transfer, 27833
from the same funds and in the same proportions specified in 27834
division (A) of this section, to the permissive tax distribution 27835
fund created by division (B)(1) of section 4301.423 of the Revised 27836
Code and to the local sales tax administrative fund, the amounts 27837

certified by the tax commissioner. The tax commissioner shall 27838
then, on or before the twentieth day of the month in which such 27839
certification is made, provide for payment of such respective 27840
amounts to the county treasurer and to the fiscal officer of the 27841
transit authority levying the tax or taxes. The amount transferred 27842
to the local sales tax administrative fund is for use by the tax 27843
commissioner in defraying costs incurred in administering such 27844
taxes levied by a county or transit authority. 27845

Sec. 5741.04. Every seller required to register with the tax 27846
commissioner pursuant to section 5741.17 of the Revised Code who 27847
is engaged in the business of selling tangible personal property 27848
in this state for storage, use, or other consumption in this 27849
state, to which section 5741.02 of the Revised Code applies, or 27850
which is subject to a tax levied pursuant to section 5741.021, 27851
5741.022, or 5741.023 of the Revised Code, shall, and any other 27852
seller who is authorized by rule of the tax commissioner to do so 27853
may, collect from the consumer the full and exact amount of the 27854
tax payable on each such storage, use, or consumption, in the 27855
manner and at the times provided as follows: 27856

(A) If the price is, at or prior to the delivery of 27857
possession of the thing sold to the consumer, paid in currency 27858
passed from hand to hand by the consumer, or ~~his~~ the consumer's 27859
agent, to the seller, or ~~his~~ the seller's agent, the seller or ~~his~~ 27860
the seller's agent shall collect the tax with and at the same time 27861
as the price. 27862

(B) If the price is otherwise paid or to be paid, the seller 27863
or ~~his~~ the seller's agent shall, at or prior to the delivery of 27864
possession of the thing sold to the consumer, charge the tax 27865
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 27866
5741.023 of the Revised Code to the account of the consumer, which 27867
amount shall be collected by the seller from the consumer in 27868

addition to the price. Such transaction shall be reported on the 27869
return for the period in which the transaction occurred, and the 27870
amount of tax applicable to the transaction shall be remitted with 27871
the return or, if the consumer is subject to section 5741.121 of 27872
the Revised Code, ~~by electronic funds transfer as~~ in the manner 27873
prescribed by that section. The amount of the tax shall become a 27874
legal charge in favor of the seller and against the consumer. 27875

(C) It shall be the obligation of each consumer, as required 27876
by section 5741.12 of the Revised Code, to report and pay the 27877
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 27878
Revised Code, if applicable, on any storage, use, or other 27879
consumption of tangible personal property purchased in this state 27880
from a vendor required to be licensed pursuant to section 5739.17 27881
of the Revised Code. 27882

Sec. 5741.12. (A) Each seller required by section 5741.17 of 27883
the Revised Code to register with the tax commissioner, and any 27884
seller authorized by the commissioner to collect the tax imposed 27885
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 27886
of the Revised Code is subject to the same requirements and 27887
entitled to the same deductions and discount for prompt payments 27888
as are vendors under section 5739.12 of the Revised Code, and the 27889
same monetary allowances as are vendors under section 5739.06 of 27890
the Revised Code. The powers and duties of the commissioner ~~and~~ 27891
~~the treasurer of state~~ with respect to returns and tax remittances 27892
under this section shall be identical with those prescribed in 27893
section 5739.12 of the Revised Code. 27894

(B) Every person storing, using, or consuming tangible 27895
personal property or receiving the benefit of a service, the 27896
storage, use, consumption, or receipt of which is subject to the 27897
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 27898
or 5741.023 of the Revised Code, when such tax was not paid to a 27899

seller, shall, on or before the twenty-third day of each month, 27900
file with the tax commissioner a return for the preceding month in 27901
such form as is prescribed by the commissioner, showing such 27902
information as the commissioner deems necessary, and shall pay the 27903
tax shown on the return to be due. Remittance shall be made 27904
payable to the treasurer of state. The commissioner may require 27905
consumers to file returns and pay the tax at other than monthly 27906
intervals, if the commissioner determines that such filing is 27907
necessary for the efficient administration of the tax. If the 27908
commissioner determines that a consumer's tax liability is not 27909
such as to merit monthly filing, the commissioner may authorize 27910
the consumer to file returns and pay tax at less frequent 27911
intervals. 27912

Any consumer required to file a return and pay the tax under 27913
this section whose payment for any year ~~indicated in~~ equals or 27914
exceeds the amount shown in division (A) of section 5741.121 of 27915
the Revised Code ~~equals or exceeds the amount shown in that~~ 27916
~~section shall make each payment required by this section in the~~ 27917
~~second ensuing and each succeeding year by means of electronic~~ 27918
~~funds transfer as prescribed by, and on or before the dates~~ 27919
~~specified in, section 5741.121 of the Revised Code, except as~~ 27920
~~otherwise prescribed by~~ is subject to the accelerated tax payment 27921
requirements in divisions (B) and (C) of that section. 27922

(C) Every person storing, using, or consuming a motor 27923
vehicle, watercraft, or outboard motor, the ownership of which 27924
must be evidenced by certificate of title, shall file the return 27925
required by this section and pay the tax due at or prior to the 27926
time of filing an application for certificate of title. 27927

Sec. 5741.121. (A) If the total amount of tax required to be 27928
paid by a seller or consumer under section 5741.12 of the Revised 27929
Code for any year equals or exceeds seventy-five thousand dollars, 27930

the seller or consumer shall remit each monthly tax payment in the 27931
second ensuing and each succeeding year ~~by electronic funds~~ 27932
~~transfer~~ on an accelerated basis as prescribed by division (B) of 27933
this section. 27934

If a seller's or consumer's tax payment for each of two 27935
consecutive years is less than seventy-five thousand dollars, the 27936
seller or consumer is relieved of the requirement to remit taxes 27937
~~by electronic funds transfer~~ on an accelerated basis for the year 27938
that next follows the second of the consecutive years in which the 27939
tax payment is less than that amount, and is relieved of that 27940
requirement for each succeeding year, unless the tax payment in a 27941
subsequent year equals or exceeds seventy-five thousand dollars. 27942

The tax commissioner shall notify each seller or consumer 27943
required to ~~remit taxes by electronic funds transfer~~ make 27944
accelerated tax payments of the seller's or consumer's obligation 27945
to do so, and shall maintain an updated list of those sellers and 27946
consumers, ~~and shall timely certify the list and any additions~~ 27947
~~thereto or deletions therefrom to the treasurer of state.~~ Failure 27948
by the tax commissioner to notify a seller or consumer subject to 27949
this section to remit taxes ~~by electronic funds transfer~~ on an 27950
accelerated basis does not relieve the seller or consumer of the 27951
obligation to remit taxes ~~by electronic funds transfer~~ as provided 27952
under division (B) of this section. 27953

(B) Sellers and consumers required by division (A) of this 27954
section to ~~remit~~ make accelerated tax payments ~~by electronic funds~~ 27955
~~transfer~~ shall electronically remit such payments to the ~~treasurer~~ 27956
~~of state~~ tax commissioner, in the a manner ~~prescribed by this~~ 27957
~~section and rules adopted~~ approved by the ~~treasurer of state~~ under 27958
~~section 113.061 of the Revised Code, and~~ commissioner, as follows: 27959

(1) On or before the twenty-third day of each month, a seller 27961
or consumer shall remit an amount equal to seventy-five per cent 27962

of the anticipated tax liability for that month. 27963

(2) On or before the twenty-third day of each month, a seller 27964
shall report the taxes collected and a consumer shall report the 27965
taxes due for the previous month and shall remit that amount, less 27966
any amounts paid for that month as required by division (B)(1) of 27967
this section. 27968

The payment of taxes ~~by electronic funds transfer on an~~ 27969
~~accelerated basis under this section~~ does not affect a seller's or 27970
consumer's obligation to file ~~the monthly return~~ returns and pay 27971
the tax shown on the returns to be due as required under section 27972
5741.12 of the Revised Code. 27973

(C) A seller or consumer required by this section to remit 27974
taxes ~~by electronic funds transfer on an accelerated basis~~ may 27975
apply to the ~~treasurer of state~~ tax commissioner in the manner 27976
prescribed by the ~~treasurer of state commissioner~~ to be excused 27977
from that requirement. The ~~treasurer of state commissioner~~ may 27978
excuse the seller or consumer from remittance ~~by electronic funds~~ 27979
~~transfer on an accelerated basis~~ for good cause shown for the 27980
period of time requested by the seller or consumer or for a 27981
portion of that period. ~~The treasurer of state shall notify the~~ 27982
~~tax commissioner and the seller or consumer of the treasurer of~~ 27983
~~state's decision as soon as is practicable.~~ 27984

(D)(1)(a) If a seller or consumer that is required to remit 27985
payments under division (B) of this section fails to make a 27986
payment required under division (B)(1) of this section, or makes a 27987
payment under division (B)(1) of this section that is less than 27988
seventy-five per cent of the actual liability for that month, the 27989
commissioner may impose an additional charge not to exceed five 27990
per cent of that unpaid amount. 27991

(b) Division (D)(1)(a) of this section does not apply if the 27992
seller's or consumer's payment under division (B)(1) of this 27993

section is equal to or greater than seventy-five per cent of the 27994
seller's or consumer's reported liability for the same month in 27995
the immediately preceding calendar year. 27996

~~(2) If a seller or consumer required by this section to remit 27997
taxes by electronic funds transfer remits those taxes by some 27998
means other than by electronic funds transfer as prescribed by the 27999
rules adopted by the treasurer of state, and the treasurer of 28000
state determines that such failure was not due to reasonable cause 28001
or was due to willful neglect, the treasurer of state shall notify 28002
the tax commissioner of the failure to remit by electronic funds 28003
transfer and shall provide the commissioner with any information 28004
used in making that determination. The tax commissioner may impose 28005
an additional charge not to exceed the lesser of five per cent of 28006
the amount of the taxes required to be paid by electronic funds 28007
transfer or five thousand dollars. 28008~~

~~(3) Any additional charge imposed under division (D)(1) of 28009
this section is in addition to any other penalty or charge imposed 28010
under this chapter, and shall be considered as revenue arising 28011
from taxes imposed under this chapter. An additional charge may be 28012
collected by assessment in the manner prescribed by section 28013
5741.13 of the Revised Code. The tax commissioner may waive all or 28014
a portion of such a charge and may adopt rules governing such 28015
waiver. 28016~~

~~No additional charge shall be imposed under division (D)(2) 28017
of this section against a seller or consumer that has been 28018
notified of the obligation to remit taxes under this section and 28019
that remits its first two tax payments after such notification by 28020
some means other than electronic funds transfer. The additional 28021
charge may be imposed upon the remittance of any subsequent tax 28022
payment that the seller or consumer remits by some means other 28023
than electronic funds transfer. 28024~~

Sec. 5741.122. (A) If required by the tax commissioner, a 28025
person required to make payments ~~by electronic funds transfer~~ 28026
under section ~~5739.032~~ or 5741.121 of the Revised Code shall file 28027
all returns and reports electronically. The commissioner may 28028
require the person to use the Ohio business gateway, as defined in 28029
section 718.051 of the Revised Code, or any other electronic means 28030
approved by the commissioner, to file the returns and reports, or 28031
to remit the tax, in lieu of the manner prescribed ~~by the~~ 28032
~~treasurer of state~~ under ~~sections 5739.032 and~~ section 5741.121 of 28033
the Revised Code. 28034

(B) A person required under this section to file reports and 28035
returns electronically may apply to the tax commissioner to be 28036
excused from that requirement. Applications shall be made on a 28037
form prescribed by the commissioner. The commissioner may approve 28038
the application for good cause. 28039

(C)(1) If a person required to file a report or return 28040
electronically under this section fails to do so, the tax 28041
commissioner may impose an additional charge not to exceed the 28042
following: 28043

(a) For each of the first two failures, five per cent of the 28044
amount required to be reported on the report or return; 28045

(b) For the third and any subsequent failure, ten per cent of 28046
the amount required to be reported on the report or return. 28047

(2) The charges authorized under division (C)(1) of this 28048
section are in addition to any other charge or penalty authorized 28049
under this chapter, and shall be considered as revenue arising 28050
from taxes imposed under this chapter. An additional charge may be 28051
collected by assessment in the manner prescribed by section 28052
5741.13 of the Revised Code. The commissioner may waive all or a 28053
portion of such a charge and may adopt rules governing such 28054
waiver. 28055

Sec. 5743.021. (A) As used in this section, "qualifying regional arts and cultural district" means a regional arts and cultural district created under section 3381.04 of the Revised Code in a county having a population of one million two hundred thousand or more according to the 2000 federal decennial census.

(B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of county commissioners of a county that has within its territorial boundaries a qualifying regional arts and cultural district may levy a tax on the sale of cigarettes sold for resale at retail in the county composing the district. The rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall not exceed fifteen mills per cigarette, and shall be computed on each cigarette sold. Only one sale of the same article shall be used in computing the amount of tax due. The tax may be levied for any number of years not exceeding ten years.

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general, primary, or special election held not sooner than seventy-five days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution

levying the tax shall be certified to the tax commissioner at 28088
 least sixty days prior to the date on which the tax is to become 28089
 effective. 28090

(C) The form of the ballot in an election held under this 28091
 section shall be as follows, or in any other form acceptable to 28092
 the secretary of state: 28093

"For the purpose of (insert the purpose or 28094
 purposes of the tax), shall an excise tax be levied throughout 28095
 County for the benefit of the (name of the 28096
 qualifying regional arts and cultural district) on the sale of 28097
 cigarettes at wholesale at the rate of mills per cigarette 28098
 for years? 28099

	For the tax	"
	Against the tax	

28100
 28101
 28102
 (D) The treasurer of state shall credit all moneys arising 28103
 from taxes levied on behalf of each district under this section 28104
 and section 5743.321 of the Revised Code as follows: 28105

(1) To the tax refund fund created by section 5703.052 of the 28106
 Revised Code, amounts equal to the refunds from each tax levied 28107
 under this section certified by the tax commissioner pursuant to 28108
 section 5743.05 of the Revised Code; 28109

(2) Following the crediting of amounts pursuant to division 28110
 (D)(1) of this section: 28111

(a) To the permissive tax distribution fund created under 28112
 section 4301.423 of the Revised Code, an amount equal to 28113
 ninety-eight per cent of the remainder collected; 28114

(b) To the local excise tax administrative fund, which is 28115
 hereby created in the state treasury, an amount equal to two per 28116
 cent of such remainder, for use by the tax commissioner in 28117

defraying costs incurred in administering the tax. 28118

On or before the second working day of each month, the 28119
treasurer of state shall certify to the tax commissioner the 28120
amount of taxes levied on behalf of each district under sections 28121
5743.021 and 5743.321 of the Revised Code and paid to the 28122
treasurer of state during the preceding month. 28123

On or before the tenth day of each month, the tax 28124
commissioner shall distribute the amount credited to the 28125
permissive tax distribution fund during the preceding month by 28126
providing for payment of the appropriate amount to the county 28127
treasurer of the county in which the tax is levied. 28128

(E) No tax shall be levied under this section on or after the 28129
effective date of the amendment of this section by the capital 28130
appropriations act of the 127th general assembly. This division 28131
does not prevent the collection of any tax levied under this 28132
section before that date so long as that tax remains effective. 28133

Sec. 5743.024. (A) For the purposes of section 307.696 of the 28134
Revised Code, to pay the expenses of administering the tax, and to 28135
pay any or all of the charge the board of elections makes against 28136
the county to hold the election on the question of levying the 28137
tax, or for such purposes and to provide revenues to the county 28138
for permanent improvements, the board of county commissioners may 28139
levy a tax on sales of cigarettes sold for resale at retail in the 28140
county. The tax shall not exceed two and twenty-five hundredths of 28141
a mill per cigarette, and shall be computed on each cigarette 28142
sold. The tax may be levied for any number of years not exceeding 28143
twenty. Only one sale of the same article shall be used in 28144
computing the amount of tax due. 28145

The tax shall be levied pursuant to a resolution of the 28146
county commissioners approved by a majority of the electors in the 28147
county voting on the question of levying the tax. The resolution 28148

shall specify the rate of the tax, the number of years the tax 28149
will be levied, and the purposes for which the tax is levied. Such 28150
election may be held on the date of a general or special election 28151
held not sooner than seventy-five days after the date the board 28152
certifies its resolution to the board of elections. If approved by 28153
the electors, the tax shall take effect on the first day of the 28154
month specified in the resolution but not sooner than the first 28155
day of the month that is at least sixty days after the 28156
certification of the election results by the board of elections. A 28157
copy of the resolution levying the tax shall be certified to the 28158
tax commissioner at least sixty days prior to the date on which 28159
the tax is to become effective. 28160

A resolution under this section may be joined on the ballot 28161
as a single question with a resolution adopted under section 28162
307.697 or 4301.421 of the Revised Code to levy a tax for the same 28163
purposes and for the purpose of paying the expenses of 28164
administering the tax. The form of the ballot in an election held 28165
pursuant to this section shall be as prescribed in section 307.697 28166
of the Revised Code. 28167

(B) The treasurer of state shall credit all moneys arising 28168
from each county's taxes levied under this section and section 28169
5743.323 of the Revised Code as follows: 28170

(1) To the tax refund fund created by section 5703.052 of the 28171
Revised Code, amounts equal to the refunds from each tax levied 28172
under this section certified by the tax commissioner pursuant to 28173
section 5743.05 of the Revised Code; 28174

(2) Following the crediting of amounts pursuant to division 28175
(B)(1) of this section: 28176

(a) To the permissive tax distribution fund created by 28177
division (B)(1) of section 4301.423 of the Revised Code, an amount 28178
equal to ninety-eight per cent of the remainder collected; 28179

(b) To the local excise tax administrative fund, which is 28180
hereby created in the state treasury, an amount equal to two per 28181
cent of such remainder, for use by the tax commissioner in 28182
defraying costs incurred in administering the tax. 28183

On or before the second working day of each month, the 28184
treasurer of state shall certify to the tax commissioner the 28185
amount of each county's taxes levied under sections 5743.024 and 28186
5743.323 and paid to the treasurer of state during the preceding 28187
month. 28188

On or before the tenth day of each month, the tax 28189
commissioner shall distribute the amount credited to the 28190
permissive tax distribution fund during the preceding month by 28191
providing for payment of the appropriate amount to the county 28192
treasurer of each county levying the tax. 28193

(C) The board of county commissioners of a county in which a 28194
tax is imposed under this section on ~~the effective date of this~~ 28195
~~amendment July 19, 1995,~~ may levy a tax for the purpose of section 28196
307.673 of the Revised Code regardless of whether or not the 28197
cooperative agreement authorized under that section has been 28198
entered into prior to the day the resolution adopted under 28199
division (C)(1) or (2) of this section is adopted, and for the 28200
purpose of reimbursing a county for costs incurred in the 28201
construction of a sports facility pursuant to an agreement entered 28202
into by the county under section 307.696 of the Revised Code. The 28203
tax shall be levied and approved in one of the manners prescribed 28204
by division (C)(1) or (2) of this section. 28205

(1) The tax may be levied pursuant to a resolution adopted by 28206
a majority of the members of the board of county commissioners not 28207
later than forty-five days after ~~the effective date of this~~ 28208
~~amendment July 19, 1995.~~ A board of county commissioners approving 28209
a tax under division (C)(1) of this section may approve a tax 28210
under division (D)(1) of section 307.697 or division (B)(1) of 28211

section 4301.421 of the Revised Code at the same time. Subject to 28212
the resolution being submitted to a referendum under sections 28213
305.31 to 305.41 of the Revised Code, the resolution shall take 28214
effect immediately, but the tax levied pursuant to the resolution 28215
shall not be levied prior to the day following the last day taxes 28216
levied pursuant to division (A) of this section may be levied. 28217

(2) The tax may be levied pursuant to a resolution adopted by 28218
a majority of the members of the board of county commissioners not 28219
later than forty-five days after ~~the effective date of this~~ 28220
~~amendment~~ July 19, 1995, and approved by a majority of the 28221
electors of the county voting on the question of levying the tax 28222
at the next succeeding general election following ~~the effective~~ 28223
~~date of this amendment~~ July 19, 1995. The board of county 28224
commissioners shall certify a copy of the resolution to the board 28225
of elections immediately upon adopting a resolution under division 28226
(C)(2) of this section, and the board of elections shall place the 28227
question of levying the tax on the ballot at that election. The 28228
form of the ballot shall be as prescribed by division (C) of 28229
section 307.697 of the Revised Code, except that the phrase 28230
"paying not more than one-half of the costs of providing a sports 28231
facility together with related redevelopment and economic 28232
development projects" shall be replaced by the phrase "paying the 28233
costs of constructing or renovating a sports facility and 28234
reimbursing a county for costs incurred by the county in the 28235
construction of a sports facility," and the phrase ", beginning 28236
..... (here insert the earliest date the tax would take 28237
effect)" shall be appended after "years." A board of county 28238
commissioners submitting the question of a tax under division 28239
(C)(2) of this section may submit the question of a tax under 28240
division (D)(2) of section 307.697 or division (B)(2) of section 28241
4301.421 of the Revised Code as a single question, and the form of 28242
the ballot shall include each of the proposed taxes. 28243

If approved by a majority of electors voting on the question, 28244
the tax shall take effect on the day specified on the ballot, 28245
which shall not be earlier than the day following the last day the 28246
tax levied pursuant to division (A) of this section may be levied. 28247

The rate of a tax levied pursuant to division (C)(1) or (2) 28248
of this section shall not exceed the rate specified in division 28249
(A) of this section. A tax levied pursuant to division (C)(1) or 28250
(2) of this section may be levied for any number of years not 28251
exceeding twenty. 28252

A board of county commissioners adopting a resolution under 28253
this division shall certify a copy of the resolution to the tax 28254
commissioner immediately upon adoption of the resolution. 28255

(E) No tax shall be levied under this section on or after the 28256
effective date of the amendment of this section by the capital 28257
appropriations act of the 127th general assembly. This division 28258
does not prevent the collection of any tax levied under this 28259
section before that date so long as that tax remains effective. 28260

Sec. 5743.321. For the same purposes for which it levies a 28261
tax under section 5743.021 of the Revised Code, the board of 28262
county commissioners of a county that has within its territorial 28263
boundaries a qualifying regional arts and cultural district and 28264
that levies a tax under that section, by resolution adopted by a 28265
majority of the board, shall levy a tax at the same rate on the 28266
use, consumption, or storage for consumption of cigarettes by 28267
consumers in the county in which that tax is levied, provided that 28268
the tax shall not apply if the tax levied by section 5743.021 of 28269
the Revised Code has been paid. The tax shall take effect on the 28270
date that a tax levied under that section takes effect, and shall 28271
remain in effect as long as the tax levied under that section 28272
remains effective. 28273

No tax shall be levied under this section on or after the 28274

effective date of the amendment of this section by the capital 28275
appropriations act of the 127th general assembly. This paragraph 28276
does not prevent the collection of any tax levied under this 28277
section before that date so long as that tax remains effective. 28278

Sec. 5743.323. For the purposes of section 307.696 of the 28279
Revised Code and to pay the expenses of levying the tax or for 28280
such purposes and to provide revenues to the county for permanent 28281
improvements, the board of county commissioners of a county that 28282
levies a tax under division (A) or (C) of section 5743.024 of the 28283
Revised Code shall by resolution adopted by a majority of the 28284
board levy a tax at the same rate on the use, consumption, or 28285
storage for consumption of cigarettes by consumers in the county, 28286
provided that the tax shall not apply if the tax levied by 28287
division (A) or (C) of section 5743.024 of the Revised Code has 28288
been paid. The tax shall take effect on the date that a tax levied 28289
under division (A) or (C) of section 5743.024 of the Revised Code 28290
takes effect, and shall remain in effect as long as the tax levied 28291
under such division remains effective. 28292

No tax shall be levied under this section on or after the 28293
effective date of the amendment of this section by the capital 28294
appropriations act of the 127th general assembly. This paragraph 28295
does not prevent the collection of any tax levied under this 28296
section before that date so long as that tax remains effective. 28297

Sec. 5745.05. (A) Prior to the first day of March, June, 28298
September, and December, the tax commissioner shall certify to the 28299
director of budget and management the amount to be paid to each 28300
municipal corporation, as indicated on the declaration of 28301
estimated tax reports and annual reports received under sections 28302
5745.03 and 5745.04 of the Revised Code, less any amounts 28303
previously distributed and net of any audit adjustments made by 28304
the tax commissioner. Not later than the first day of March, June, 28305

September, and December, the director of budget and management 28306
shall provide for payment of the amount certified to each 28307
municipal corporation from the municipal income tax fund, plus a 28308
pro rata share of any investment earnings accruing to the fund 28309
since the previous payment under this section apportioned among 28310
municipal corporations entitled to such payments in proportion to 28311
the amount certified by the tax commissioner. All investment 28312
earnings on money in the municipal income tax fund shall be 28313
credited to that fund. 28314

(B) If the tax commissioner determines that the amount of tax 28315
paid by a taxpayer and distributed to a municipal corporation 28316
under this section for a taxable year exceeds the amount payable 28317
to that municipal corporation under this chapter after accounting 28318
for amounts remitted with the annual report and as estimated 28319
taxes, the tax commissioner shall permit the taxpayer to credit 28320
the excess against the taxpayer's payments to the municipal 28321
corporation of estimated taxes remitted for an ensuing taxable 28322
year under section 5745.04 of the Revised Code. If, upon the 28323
written request of the taxpayer, the tax commissioner determines 28324
that the excess to be so credited is likely to exceed the amount 28325
of estimated taxes payable by the taxpayer to the municipal 28326
corporation during the ensuing twelve months, the tax commissioner 28327
shall so notify the municipal corporation and the municipal 28328
corporation shall issue a refund of the excess to the taxpayer 28329
within ninety days after receiving such a notice. Interest shall 28330
accrue on the amount to be refunded and is payable to the taxpayer 28331
at the rate per annum prescribed by section 5703.47 of the Revised 28332
Code from the ninety-first day after the notice is received by the 28333
municipal corporation until the day the refund is paid. 28334
Immediately after notifying a municipal corporation under this 28335
division of an excess to be refunded, the commissioner also shall 28336
notify the director of budget and management of the amount of the 28337
excess, and the director shall transfer from the municipal income 28338

tax administrative fund to the municipal income tax fund one and 28339
one-half per cent of the amount of the excess. The commissioner 28340
shall include the transferred amount in the computation of the 28341
amount due the municipal corporation in the next certification to 28342
the director under division (A) of this section. 28343

Sec. 5747.01. Except as otherwise expressly provided or 28344
clearly appearing from the context, any term used in this chapter 28345
that is not otherwise defined in this section has the same meaning 28346
as when used in a comparable context in the laws of the United 28347
States relating to federal income taxes or if not used in a 28348
comparable context in those laws, has the same meaning as in 28349
section 5733.40 of the Revised Code. Any reference in this chapter 28350
to the Internal Revenue Code includes other laws of the United 28351
States relating to federal income taxes. 28352

As used in this chapter: 28353

(A) "Adjusted gross income" or "Ohio adjusted gross income" 28354
means federal adjusted gross income, as defined and used in the 28355
Internal Revenue Code, adjusted as provided in this section: 28356

(1) Add interest or dividends on obligations or securities of 28357
any state or of any political subdivision or authority of any 28358
state, other than this state and its subdivisions and authorities. 28359

(2) Add interest or dividends on obligations of any 28360
authority, commission, instrumentality, territory, or possession 28361
of the United States to the extent that the interest or dividends 28362
are exempt from federal income taxes but not from state income 28363
taxes. 28364

(3) Deduct interest or dividends on obligations of the United 28365
States and its territories and possessions or of any authority, 28366
commission, or instrumentality of the United States to the extent 28367
that the interest or dividends are included in federal adjusted 28368

gross income but exempt from state income taxes under the laws of 28369
the United States. 28370

(4) Deduct disability and survivor's benefits to the extent 28371
included in federal adjusted gross income. 28372

(5) Deduct benefits under Title II of the Social Security Act 28373
and tier 1 railroad retirement benefits to the extent included in 28374
federal adjusted gross income under section 86 of the Internal 28375
Revenue Code. 28376

(6) In the case of a taxpayer who is a beneficiary of a trust 28377
that makes an accumulation distribution as defined in section 665 28378
of the Internal Revenue Code, add, for the beneficiary's taxable 28379
years beginning before 2002, the portion, if any, of such 28380
distribution that does not exceed the undistributed net income of 28381
the trust for the three taxable years preceding the taxable year 28382
in which the distribution is made to the extent that the portion 28383
was not included in the trust's taxable income for any of the 28384
trust's taxable years beginning in 2002 or thereafter. 28385
"Undistributed net income of a trust" means the taxable income of 28386
the trust increased by (a)(i) the additions to adjusted gross 28387
income required under division (A) of this section and (ii) the 28388
personal exemptions allowed to the trust pursuant to section 28389
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 28390
deductions to adjusted gross income required under division (A) of 28391
this section, (ii) the amount of federal income taxes attributable 28392
to such income, and (iii) the amount of taxable income that has 28393
been included in the adjusted gross income of a beneficiary by 28394
reason of a prior accumulation distribution. Any undistributed net 28395
income included in the adjusted gross income of a beneficiary 28396
shall reduce the undistributed net income of the trust commencing 28397
with the earliest years of the accumulation period. 28398

(7) Deduct the amount of wages and salaries, if any, not 28399
otherwise allowable as a deduction but that would have been 28400

allowable as a deduction in computing federal adjusted gross 28401
income for the taxable year, had the targeted jobs credit allowed 28402
and determined under sections 38, 51, and 52 of the Internal 28403
Revenue Code not been in effect. 28404

(8) Deduct any interest or interest equivalent on public 28405
obligations and purchase obligations to the extent that the 28406
interest or interest equivalent is included in federal adjusted 28407
gross income. 28408

(9) Add any loss or deduct any gain resulting from the sale, 28409
exchange, or other disposition of public obligations to the extent 28410
that the loss has been deducted or the gain has been included in 28411
computing federal adjusted gross income. 28412

(10) Deduct or add amounts, as provided under section 5747.70 28413
of the Revised Code, related to contributions to variable college 28414
savings program accounts made or tuition units purchased pursuant 28415
to Chapter 3334. of the Revised Code. 28416

(11)(a) Deduct, to the extent not otherwise allowable as a 28417
deduction or exclusion in computing federal or Ohio adjusted gross 28418
income for the taxable year, the amount the taxpayer paid during 28419
the taxable year for medical care insurance and qualified 28420
long-term care insurance for the taxpayer, the taxpayer's spouse, 28421
and dependents. No deduction for medical care insurance under 28422
division (A)(11) of this section shall be allowed either to any 28423
taxpayer who is eligible to participate in any subsidized health 28424
plan maintained by any employer of the taxpayer or of the 28425
taxpayer's spouse, or to any taxpayer who is entitled to, or on 28426
application would be entitled to, benefits under part A of Title 28427
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 28428
301, as amended. For the purposes of division (A)(11)(a) of this 28429
section, "subsidized health plan" means a health plan for which 28430
the employer pays any portion of the plan's cost. The deduction 28431
allowed under division (A)(11)(a) of this section shall be the net 28432

of any related premium refunds, related premium reimbursements, or 28433
related insurance premium dividends received during the taxable 28434
year. 28435

(b) Deduct, to the extent not otherwise deducted or excluded 28436
in computing federal or Ohio adjusted gross income during the 28437
taxable year, the amount the taxpayer paid during the taxable 28438
year, not compensated for by any insurance or otherwise, for 28439
medical care of the taxpayer, the taxpayer's spouse, and 28440
dependents, to the extent the expenses exceed seven and one-half 28441
per cent of the taxpayer's federal adjusted gross income. 28442

(c) For purposes of division (A)(11) of this section, 28443
"medical care" has the meaning given in section 213 of the 28444
Internal Revenue Code, subject to the special rules, limitations, 28445
and exclusions set forth therein, and "qualified long-term care" 28446
has the same meaning given in section 7702B(c) of the Internal 28447
Revenue Code. 28448

(12)(a) Deduct any amount included in federal adjusted gross 28449
income solely because the amount represents a reimbursement or 28450
refund of expenses that in any year the taxpayer had deducted as 28451
an itemized deduction pursuant to section 63 of the Internal 28452
Revenue Code and applicable United States department of the 28453
treasury regulations. The deduction otherwise allowed under 28454
division (A)(12)(a) of this section shall be reduced to the extent 28455
the reimbursement is attributable to an amount the taxpayer 28456
deducted under this section in any taxable year. 28457

(b) Add any amount not otherwise included in Ohio adjusted 28458
gross income for any taxable year to the extent that the amount is 28459
attributable to the recovery during the taxable year of any amount 28460
deducted or excluded in computing federal or Ohio adjusted gross 28461
income in any taxable year. 28462

(13) Deduct any portion of the deduction described in section 28463

1341(a)(2) of the Internal Revenue Code, for repaying previously 28464
reported income received under a claim of right, that meets both 28465
of the following requirements: 28466

(a) It is allowable for repayment of an item that was 28467
included in the taxpayer's adjusted gross income for a prior 28468
taxable year and did not qualify for a credit under division (A) 28469
or (B) of section 5747.05 of the Revised Code for that year; 28470

(b) It does not otherwise reduce the taxpayer's adjusted 28471
gross income for the current or any other taxable year. 28472

(14) Deduct an amount equal to the deposits made to, and net 28473
investment earnings of, a medical savings account during the 28474
taxable year, in accordance with section 3924.66 of the Revised 28475
Code. The deduction allowed by division (A)(14) of this section 28476
does not apply to medical savings account deposits and earnings 28477
otherwise deducted or excluded for the current or any other 28478
taxable year from the taxpayer's federal adjusted gross income. 28479

(15)(a) Add an amount equal to the funds withdrawn from a 28480
medical savings account during the taxable year, and the net 28481
investment earnings on those funds, when the funds withdrawn were 28482
used for any purpose other than to reimburse an account holder 28483
for, or to pay, eligible medical expenses, in accordance with 28484
section 3924.66 of the Revised Code; 28485

(b) Add the amounts distributed from a medical savings 28486
account under division (A)(2) of section 3924.68 of the Revised 28487
Code during the taxable year. 28488

(16) Add any amount claimed as a credit under section 28489
5747.059 of the Revised Code to the extent that such amount 28490
satisfies either of the following: 28491

(a) The amount was deducted or excluded from the computation 28492
of the taxpayer's federal adjusted gross income as required to be 28493
reported for the taxpayer's taxable year under the Internal 28494

Revenue Code;	28495
(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.	28496 28497 28498
(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.	28499 28500 28501 28502 28503 28504 28505 28506
(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.	28507 28508 28509 28510 28511 28512 28513 28514 28515 28516 28517 28518 28519 28520 28521 28522 28523
(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is	28524 28525 28526

not otherwise included in Ohio adjusted gross income. 28527

(20)(a)(i) Add five-sixths of the amount of depreciation 28528
expense allowed by subsection (k) of section 168 of the Internal 28529
Revenue Code, including the taxpayer's proportionate or 28530
distributive share of the amount of depreciation expense allowed 28531
by that subsection to a pass-through entity in which the taxpayer 28532
has a direct or indirect ownership interest. 28533

(ii) Add five-sixths of the amount of qualifying section 179 28534
depreciation expense, including a person's proportionate or 28535
distributive share of the amount of qualifying section 179 28536
depreciation expense allowed to any pass-through entity in which 28537
the person has a direct or indirect ownership. For the purposes of 28538
this division, "qualifying section 179 depreciation expense" means 28539
the difference between (I) the amount of depreciation expense 28540
directly or indirectly allowed to the taxpayer under section 179 28541
of the Internal Revenue Code, and (II) the amount of depreciation 28542
expense directly or indirectly allowed to the taxpayer under 28543
section 179 of the Internal Revenue Code as that section existed 28544
on December 31, 2002. 28545

The tax commissioner, under procedures established by the 28546
commissioner, may waive the add-backs related to a pass-through 28547
entity if the taxpayer owns, directly or indirectly, less than 28548
five per cent of the pass-through entity. 28549

(b) Nothing in division (A)(20) of this section shall be 28550
construed to adjust or modify the adjusted basis of any asset. 28551

(c) To the extent the add-back required under division 28552
(A)(20)(a) of this section is attributable to property generating 28553
nonbusiness income or loss allocated under section 5747.20 of the 28554
Revised Code, the add-back shall be situated to the same location 28555
as the nonbusiness income or loss generated by the property for 28556
the purpose of determining the credit under division (A) of 28557

section 5747.05 of the Revised Code. Otherwise, the add-back shall 28558
be apportioned, subject to one or more of the four alternative 28559
methods of apportionment enumerated in section 5747.21 of the 28560
Revised Code. 28561

(d) For the purposes of division (A) of this section, net 28562
operating loss carryback and carryforward shall not include 28563
five-sixths of the allowance of any net operating loss deduction 28564
carryback or carryforward to the taxable year to the extent such 28565
loss resulted from depreciation allowed by section 168(k) of the 28566
Internal Revenue Code and by the qualifying section 179 28567
depreciation expense amount. 28568

(21)(a) If the taxpayer was required to add an amount under 28569
division (A)(20)(a) of this section for a taxable year, deduct 28570
one-fifth of the amount so added for each of the five succeeding 28571
taxable years. 28572

(b) If the amount deducted under division (A)(21)(a) of this 28573
section is attributable to an add-back allocated under division 28574
(A)(20)(c) of this section, the amount deducted shall be sitused 28575
to the same location. Otherwise, the add-back shall be apportioned 28576
using the apportionment factors for the taxable year in which the 28577
deduction is taken, subject to one or more of the four alternative 28578
methods of apportionment enumerated in section 5747.21 of the 28579
Revised Code. 28580

(c) No deduction is available under division (A)(21)(a) of 28581
this section with regard to any depreciation allowed by section 28582
168(k) of the Internal Revenue Code and by the qualifying section 28583
179 depreciation expense amount to the extent that such 28584
depreciation resulted in or increased a federal net operating loss 28585
carryback or carryforward to a taxable year to which division 28586
(A)(20)(d) of this section does not apply. 28587

(22) Deduct, to the extent not otherwise deducted or excluded 28588

in computing federal or Ohio adjusted gross income for the taxable 28589
year, the amount the taxpayer received during the taxable year as 28590
reimbursement for life insurance premiums under section 5919.31 of 28591
the Revised Code. 28592

(23) Deduct, to the extent not otherwise deducted or excluded 28593
in computing federal or Ohio adjusted gross income for the taxable 28594
year, the amount the taxpayer received during the taxable year as 28595
a death benefit paid by the adjutant general under section 5919.33 28596
of the Revised Code. 28597

(24) Deduct, to the extent included in federal adjusted gross 28598
income and not otherwise allowable as a deduction or exclusion in 28599
computing federal or Ohio adjusted gross income for the taxable 28600
year, military pay and allowances received by the taxpayer during 28601
the taxable year for active duty service in the United States 28602
army, air force, navy, marine corps, or coast guard or reserve 28603
components thereof or the national guard. The deduction may not be 28604
claimed for military pay and allowances received by the taxpayer 28605
while the taxpayer is stationed in this state. 28606

(25) Deduct, to the extent not otherwise allowable as a 28607
deduction or exclusion in computing federal or Ohio adjusted gross 28608
income for the taxable year and not otherwise compensated for by 28609
any other source, the amount of qualified organ donation expenses 28610
incurred by the taxpayer during the taxable year, not to exceed 28611
ten thousand dollars. A taxpayer may deduct qualified organ 28612
donation expenses only once for all taxable years beginning with 28613
taxable years beginning in 2007. 28614

For the purposes of division (A)(25) of this section: 28615

(a) "Human organ" means all or any portion of a human liver, 28616
pancreas, kidney, intestine, or lung, and any portion of human 28617
bone marrow. 28618

(b) "Qualified organ donation expenses" means travel 28619

expenses, lodging expenses, and wages and salary forgone by a 28620
taxpayer in connection with the taxpayer's donation, while living, 28621
of one or more of the taxpayer's human organs to another human 28622
being. 28623

(26) Deduct, to the extent not otherwise deducted or excluded 28624
in computing federal or Ohio adjusted gross income for the taxable 28625
year, amounts received by the taxpayer as retired military 28626
personnel pay for service in the United States army, navy, air 28627
force, coast guard, or marine corps or reserve components thereof, 28628
or the national guard, or received by the surviving spouse or 28629
former spouse of such a taxpayer under the survivor benefit plan 28630
on account of such a taxpayer's death. If the taxpayer receives 28631
income on account of retirement paid under the federal civil 28632
service retirement system or federal employees retirement system, 28633
or under any successor retirement program enacted by the congress 28634
of the United States that is established and maintained for 28635
retired employees of the United States government, and such 28636
retirement income is based, in whole or in part, on credit for the 28637
taxpayer's military service, the deduction allowed under this 28638
division shall include only that portion of such retirement income 28639
that is attributable to the taxpayer's military service, to the 28640
extent that portion of such retirement income is otherwise 28641
included in federal adjusted gross income and is not otherwise 28642
deducted under this section. Any amount deducted under division 28643
(A)(26) of this section is not included in ~~the~~ a taxpayer's 28644
adjusted gross income for the purposes of section 5747.055 of the 28645
Revised Code. No amount may be deducted under division (A)(26) of 28646
this section on the basis of which a credit was claimed under 28647
section 5747.055 of the Revised Code. 28648

(27) Deduct, to the extent not otherwise deducted or excluded 28649
in computing federal or Ohio adjusted gross income for the taxable 28650
year, the amount the taxpayer received during the taxable year 28651

from the military injury relief fund created in section 5101.98 of 28652
the Revised Code. 28653

(B) "Business income" means income, including gain or loss, 28654
arising from transactions, activities, and sources in the regular 28655
course of a trade or business and includes income, gain, or loss 28656
from real property, tangible property, and intangible property if 28657
the acquisition, rental, management, and disposition of the 28658
property constitute integral parts of the regular course of a 28659
trade or business operation. "Business income" includes income, 28660
including gain or loss, from a partial or complete liquidation of 28661
a business, including, but not limited to, gain or loss from the 28662
sale or other disposition of goodwill. 28663

(C) "Nonbusiness income" means all income other than business 28664
income and may include, but is not limited to, compensation, rents 28665
and royalties from real or tangible personal property, capital 28666
gains, interest, dividends and distributions, patent or copyright 28667
royalties, or lottery winnings, prizes, and awards. 28668

(D) "Compensation" means any form of remuneration paid to an 28669
employee for personal services. 28670

(E) "Fiduciary" means a guardian, trustee, executor, 28671
administrator, receiver, conservator, or any other person acting 28672
in any fiduciary capacity for any individual, trust, or estate. 28673

(F) "Fiscal year" means an accounting period of twelve months 28674
ending on the last day of any month other than December. 28675

(G) "Individual" means any natural person. 28676

(H) "Internal Revenue Code" means the "Internal Revenue Code 28677
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 28678

(I) "Resident" means any of the following, provided that 28679
division (I)(3) of this section applies only to taxable years of a 28680
trust beginning in 2002 or thereafter: 28681

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 28682
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(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 28684
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 28688
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For the purposes of division (I)(3) of this section: 28691

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 28692
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(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 28698
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(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year; 28702
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(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter 28708
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during all or some portion of the trust's current taxable year. If 28713
a trust document or instrument became irrevocable upon the death 28714
of a person who at the time of death was domiciled in this state 28715
for purposes of this chapter, that person is a person described in 28716
division (I)(3)(a)(iii) of this section. 28717

(b) A trust is irrevocable to the extent that the transferor 28718
is not considered to be the owner of the net assets of the trust 28719
under sections 671 to 678 of the Internal Revenue Code. 28720

(c) With respect to a trust other than a charitable lead 28721
trust, "qualifying beneficiary" has the same meaning as "potential 28722
current beneficiary" as defined in section 1361(e)(2) of the 28723
Internal Revenue Code, and with respect to a charitable lead trust 28724
"qualifying beneficiary" is any current, future, or contingent 28725
beneficiary, but with respect to any trust "qualifying 28726
beneficiary" excludes a person or a governmental entity or 28727
instrumentality to any of which a contribution would qualify for 28728
the charitable deduction under section 170 of the Internal Revenue 28729
Code. 28730

(d) For the purposes of division (I)(3)(a) of this section, 28731
the extent to which a trust consists directly or indirectly, in 28732
whole or in part, of assets, net of any related liabilities, that 28733
were transferred directly or indirectly, in whole or part, to the 28734
trust by any of the sources enumerated in that division shall be 28735
ascertained by multiplying the fair market value of the trust's 28736
assets, net of related liabilities, by the qualifying ratio, which 28737
shall be computed as follows: 28738

(i) The first time the trust receives assets, the numerator 28739
of the qualifying ratio is the fair market value of those assets 28740
at that time, net of any related liabilities, from sources 28741
enumerated in division (I)(3)(a) of this section. The denominator 28742
of the qualifying ratio is the fair market value of all the 28743
trust's assets at that time, net of any related liabilities. 28744

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this

section, a "qualifying transfer" is a transfer of assets, net of 28776
any related liabilities, directly or indirectly to a trust, if the 28777
transfer is described in any of the following: 28778

(i) The transfer is made to a trust, created by the decedent 28779
before the decedent's death and while the decedent was domiciled 28780
in this state for the purposes of this chapter, and, prior to the 28781
death of the decedent, the trust became irrevocable while the 28782
decedent was domiciled in this state for the purposes of this 28783
chapter. 28784

(ii) The transfer is made to a trust to which the decedent, 28785
prior to the decedent's death, had directly or indirectly 28786
transferred assets, net of any related liabilities, while the 28787
decedent was domiciled in this state for the purposes of this 28788
chapter, and prior to the death of the decedent the trust became 28789
irrevocable while the decedent was domiciled in this state for the 28790
purposes of this chapter. 28791

(iii) The transfer is made on account of a contractual 28792
relationship existing directly or indirectly between the 28793
transferor and either the decedent or the estate of the decedent 28794
at any time prior to the date of the decedent's death, and the 28795
decedent was domiciled in this state at the time of death for 28796
purposes of the taxes levied under Chapter 5731. of the Revised 28797
Code. 28798

(iv) The transfer is made to a trust on account of a 28799
contractual relationship existing directly or indirectly between 28800
the transferor and another person who at the time of the 28801
decedent's death was domiciled in this state for purposes of this 28802
chapter. 28803

(v) The transfer is made to a trust on account of the will of 28804
a testator. 28805

(vi) The transfer is made to a trust created by or caused to 28806

be created by a court, and the trust was directly or indirectly 28807
created in connection with or as a result of the death of an 28808
individual who, for purposes of the taxes levied under Chapter 28809
5731. of the Revised Code, was domiciled in this state at the time 28810
of the individual's death. 28811

(g) The tax commissioner may adopt rules to ascertain the 28812
part of a trust residing in this state. 28813

(J) "Nonresident" means an individual or estate that is not a 28814
resident. An individual who is a resident for only part of a 28815
taxable year is a nonresident for the remainder of that taxable 28816
year. 28817

(K) "Pass-through entity" has the same meaning as in section 28818
5733.04 of the Revised Code. 28819

(L) "Return" means the notifications and reports required to 28820
be filed pursuant to this chapter for the purpose of reporting the 28821
tax due and includes declarations of estimated tax when so 28822
required. 28823

(M) "Taxable year" means the calendar year or the taxpayer's 28824
fiscal year ending during the calendar year, or fractional part 28825
thereof, upon which the adjusted gross income is calculated 28826
pursuant to this chapter. 28827

(N) "Taxpayer" means any person subject to the tax imposed by 28828
section 5747.02 of the Revised Code or any pass-through entity 28829
that makes the election under division (D) of section 5747.08 of 28830
the Revised Code. 28831

(O) "Dependents" means dependents as defined in the Internal 28832
Revenue Code and as claimed in the taxpayer's federal income tax 28833
return for the taxable year or which the taxpayer would have been 28834
permitted to claim had the taxpayer filed a federal income tax 28835
return. 28836

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an

electing small business trust for the taxable year. 28867

(2) Add interest or dividends, net of ordinary, necessary, 28868
and reasonable expenses not deducted in computing federal taxable 28869
income, on obligations of any authority, commission, 28870
instrumentality, territory, or possession of the United States to 28871
the extent that the interest or dividends are exempt from federal 28872
income taxes but not from state income taxes, but only to the 28873
extent that such net amount is not otherwise includible in Ohio 28874
taxable income and is described in either division (S)(1)(a) or 28875
(b) of this section; 28876

(3) Add the amount of personal exemption allowed to the 28877
estate pursuant to section 642(b) of the Internal Revenue Code; 28878

(4) Deduct interest or dividends, net of related expenses 28879
deducted in computing federal taxable income, on obligations of 28880
the United States and its territories and possessions or of any 28881
authority, commission, or instrumentality of the United States to 28882
the extent that the interest or dividends are exempt from state 28883
taxes under the laws of the United States, but only to the extent 28884
that such amount is included in federal taxable income and is 28885
described in either division (S)(1)(a) or (b) of this section; 28886

(5) Deduct the amount of wages and salaries, if any, not 28887
otherwise allowable as a deduction but that would have been 28888
allowable as a deduction in computing federal taxable income for 28889
the taxable year, had the targeted jobs credit allowed under 28890
sections 38, 51, and 52 of the Internal Revenue Code not been in 28891
effect, but only to the extent such amount relates either to 28892
income included in federal taxable income for the taxable year or 28893
to income of the S portion of an electing small business trust for 28894
the taxable year; 28895

(6) Deduct any interest or interest equivalent, net of 28896
related expenses deducted in computing federal taxable income, on 28897

public obligations and purchase obligations, but only to the 28898
extent that such net amount relates either to income included in 28899
federal taxable income for the taxable year or to income of the S 28900
portion of an electing small business trust for the taxable year; 28901

(7) Add any loss or deduct any gain resulting from sale, 28902
exchange, or other disposition of public obligations to the extent 28903
that such loss has been deducted or such gain has been included in 28904
computing either federal taxable income or income of the S portion 28905
of an electing small business trust for the taxable year; 28906

(8) Except in the case of the final return of an estate, add 28907
any amount deducted by the taxpayer on both its Ohio estate tax 28908
return pursuant to section 5731.14 of the Revised Code, and on its 28909
federal income tax return in determining federal taxable income; 28910

(9)(a) Deduct any amount included in federal taxable income 28911
solely because the amount represents a reimbursement or refund of 28912
expenses that in a previous year the decedent had deducted as an 28913
itemized deduction pursuant to section 63 of the Internal Revenue 28914
Code and applicable treasury regulations. The deduction otherwise 28915
allowed under division (S)(9)(a) of this section shall be reduced 28916
to the extent the reimbursement is attributable to an amount the 28917
taxpayer or decedent deducted under this section in any taxable 28918
year. 28919

(b) Add any amount not otherwise included in Ohio taxable 28920
income for any taxable year to the extent that the amount is 28921
attributable to the recovery during the taxable year of any amount 28922
deducted or excluded in computing federal or Ohio taxable income 28923
in any taxable year, but only to the extent such amount has not 28924
been distributed to beneficiaries for the taxable year. 28925

(10) Deduct any portion of the deduction described in section 28926
1341(a)(2) of the Internal Revenue Code, for repaying previously 28927
reported income received under a claim of right, that meets both 28928

of the following requirements: 28929

(a) It is allowable for repayment of an item that was 28930
included in the taxpayer's taxable income or the decedent's 28931
adjusted gross income for a prior taxable year and did not qualify 28932
for a credit under division (A) or (B) of section 5747.05 of the 28933
Revised Code for that year. 28934

(b) It does not otherwise reduce the taxpayer's taxable 28935
income or the decedent's adjusted gross income for the current or 28936
any other taxable year. 28937

(11) Add any amount claimed as a credit under section 28938
5747.059 of the Revised Code to the extent that the amount 28939
satisfies either of the following: 28940

(a) The amount was deducted or excluded from the computation 28941
of the taxpayer's federal taxable income as required to be 28942
reported for the taxpayer's taxable year under the Internal 28943
Revenue Code; 28944

(b) The amount resulted in a reduction in the taxpayer's 28945
federal taxable income as required to be reported for any of the 28946
taxpayer's taxable years under the Internal Revenue Code. 28947

(12) Deduct any amount, net of related expenses deducted in 28948
computing federal taxable income, that a trust is required to 28949
report as farm income on its federal income tax return, but only 28950
if the assets of the trust include at least ten acres of land 28951
satisfying the definition of "land devoted exclusively to 28952
agricultural use" under section 5713.30 of the Revised Code, 28953
regardless of whether the land is valued for tax purposes as such 28954
land under sections 5713.30 to 5713.38 of the Revised Code. If the 28955
trust is a pass-through entity investor, section 5747.231 of the 28956
Revised Code applies in ascertaining if the trust is eligible to 28957
claim the deduction provided by division (S)(12) of this section 28958
in connection with the pass-through entity's farm income. 28959

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.	28991
(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.	28992 28993 28994
(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.	28995 28996 28997 28998 28999 29000 29001 29002 29003
(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:	29004 29005 29006 29007 29008 29009 29010 29011 29012 29013
(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;	29014 29015 29016
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	29017 29018 29019
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other	29020 29021

educational benefit program. 29022

(BB)(1) "Modified business income" means the business income 29023
included in a trust's Ohio taxable income after such taxable 29024
income is first reduced by the qualifying trust amount, if any. 29025

(2) "Qualifying trust amount" of a trust means capital gains 29026
and losses from the sale, exchange, or other disposition of equity 29027
or ownership interests in, or debt obligations of, a qualifying 29028
investee to the extent included in the trust's Ohio taxable 29029
income, but only if the following requirements are satisfied: 29030

(a) The book value of the qualifying investee's physical 29031
assets in this state and everywhere, as of the last day of the 29032
qualifying investee's fiscal or calendar year ending immediately 29033
prior to the date on which the trust recognizes the gain or loss, 29034
is available to the trust. 29035

(b) The requirements of section 5747.011 of the Revised Code 29036
are satisfied for the trust's taxable year in which the trust 29037
recognizes the gain or loss. 29038

Any gain or loss that is not a qualifying trust amount is 29039
modified business income, qualifying investment income, or 29040
modified nonbusiness income, as the case may be. 29041

(3) "Modified nonbusiness income" means a trust's Ohio 29042
taxable income other than modified business income, other than the 29043
qualifying trust amount, and other than qualifying investment 29044
income, as defined in section 5747.012 of the Revised Code, to the 29045
extent such qualifying investment income is not otherwise part of 29046
modified business income. 29047

(4) "Modified Ohio taxable income" applies only to trusts, 29048
and means the sum of the amounts described in divisions (BB)(4)(a) 29049
to (c) of this section: 29050

(a) The fraction, calculated under section 5747.013, and 29051

applying section 5747.231 of the Revised Code, multiplied by the 29052
sum of the following amounts: 29053

(i) The trust's modified business income; 29054

(ii) The trust's qualifying investment income, as defined in 29055
section 5747.012 of the Revised Code, but only to the extent the 29056
qualifying investment income does not otherwise constitute 29057
modified business income and does not otherwise constitute a 29058
qualifying trust amount. 29059

(b) The qualifying trust amount multiplied by a fraction, the 29060
numerator of which is the sum of the book value of the qualifying 29061
investee's physical assets in this state on the last day of the 29062
qualifying investee's fiscal or calendar year ending immediately 29063
prior to the day on which the trust recognizes the qualifying 29064
trust amount, and the denominator of which is the sum of the book 29065
value of the qualifying investee's total physical assets 29066
everywhere on the last day of the qualifying investee's fiscal or 29067
calendar year ending immediately prior to the day on which the 29068
trust recognizes the qualifying trust amount. If, for a taxable 29069
year, the trust recognizes a qualifying trust amount with respect 29070
to more than one qualifying investee, the amount described in 29071
division (BB)(4)(b) of this section shall equal the sum of the 29072
products so computed for each such qualifying investee. 29073

(c)(i) With respect to a trust or portion of a trust that is 29074
a resident as ascertained in accordance with division (I)(3)(d) of 29075
this section, its modified nonbusiness income. 29076

(ii) With respect to a trust or portion of a trust that is 29077
not a resident as ascertained in accordance with division 29078
(I)(3)(d) of this section, the amount of its modified nonbusiness 29079
income satisfying the descriptions in divisions (B)(2) to (5) of 29080
section 5747.20 of the Revised Code, except as otherwise provided 29081
in division (BB)(4)(c)(ii) of this section. With respect to a 29082

trust or portion of a trust that is not a resident as ascertained 29083
in accordance with division (I)(3)(d) of this section, the trust's 29084
portion of modified nonbusiness income recognized from the sale, 29085
exchange, or other disposition of a debt interest in or equity 29086
interest in a section 5747.212 entity, as defined in section 29087
5747.212 of the Revised Code, without regard to division (A) of 29088
that section, shall not be allocated to this state in accordance 29089
with section 5747.20 of the Revised Code but shall be apportioned 29090
to this state in accordance with division (B) of section 5747.212 29091
of the Revised Code without regard to division (A) of that 29092
section. 29093

If the allocation and apportionment of a trust's income under 29094
divisions (BB)(4)(a) and (c) of this section do not fairly 29095
represent the modified Ohio taxable income of the trust in this 29096
state, the alternative methods described in division (C) of 29097
section 5747.21 of the Revised Code may be applied in the manner 29098
and to the same extent provided in that section. 29099

(5)(a) Except as set forth in division (BB)(5)(b) of this 29100
section, "qualifying investee" means a person in which a trust has 29101
an equity or ownership interest, or a person or unit of government 29102
the debt obligations of either of which are owned by a trust. For 29103
the purposes of division (BB)(2)(a) of this section and for the 29104
purpose of computing the fraction described in division (BB)(4)(b) 29105
of this section, all of the following apply: 29106

(i) If the qualifying investee is a member of a qualifying 29107
controlled group on the last day of the qualifying investee's 29108
fiscal or calendar year ending immediately prior to the date on 29109
which the trust recognizes the gain or loss, then "qualifying 29110
investee" includes all persons in the qualifying controlled group 29111
on such last day. 29112

(ii) If the qualifying investee, or if the qualifying 29113
investee and any members of the qualifying controlled group of 29114

which the qualifying investee is a member on the last day of the 29115
qualifying investee's fiscal or calendar year ending immediately 29116
prior to the date on which the trust recognizes the gain or loss, 29117
separately or cumulatively own, directly or indirectly, on the 29118
last day of the qualifying investee's fiscal or calendar year 29119
ending immediately prior to the date on which the trust recognizes 29120
the qualifying trust amount, more than fifty per cent of the 29121
equity of a pass-through entity, then the qualifying investee and 29122
the other members are deemed to own the proportionate share of the 29123
pass-through entity's physical assets which the pass-through 29124
entity directly or indirectly owns on the last day of the 29125
pass-through entity's calendar or fiscal year ending within or 29126
with the last day of the qualifying investee's fiscal or calendar 29127
year ending immediately prior to the date on which the trust 29128
recognizes the qualifying trust amount. 29129

(iii) For the purposes of division (BB)(5)(a)(iii) of this 29130
section, "upper level pass-through entity" means a pass-through 29131
entity directly or indirectly owning any equity of another 29132
pass-through entity, and "lower level pass-through entity" means 29133
that other pass-through entity. 29134

An upper level pass-through entity, whether or not it is also 29135
a qualifying investee, is deemed to own, on the last day of the 29136
upper level pass-through entity's calendar or fiscal year, the 29137
proportionate share of the lower level pass-through entity's 29138
physical assets that the lower level pass-through entity directly 29139
or indirectly owns on the last day of the lower level pass-through 29140
entity's calendar or fiscal year ending within or with the last 29141
day of the upper level pass-through entity's fiscal or calendar 29142
year. If the upper level pass-through entity directly and 29143
indirectly owns less than fifty per cent of the equity of the 29144
lower level pass-through entity on each day of the upper level 29145
pass-through entity's calendar or fiscal year in which or with 29146

which ends the calendar or fiscal year of the lower level 29147
pass-through entity and if, based upon clear and convincing 29148
evidence, complete information about the location and cost of the 29149
physical assets of the lower pass-through entity is not available 29150
to the upper level pass-through entity, then solely for purposes 29151
of ascertaining if a gain or loss constitutes a qualifying trust 29152
amount, the upper level pass-through entity shall be deemed as 29153
owning no equity of the lower level pass-through entity for each 29154
day during the upper level pass-through entity's calendar or 29155
fiscal year in which or with which ends the lower level 29156
pass-through entity's calendar or fiscal year. Nothing in division 29157
(BB)(5)(a)(iii) of this section shall be construed to provide for 29158
any deduction or exclusion in computing any trust's Ohio taxable 29159
income. 29160

(b) With respect to a trust that is not a resident for the 29161
taxable year and with respect to a part of a trust that is not a 29162
resident for the taxable year, "qualifying investee" for that 29163
taxable year does not include a C corporation if both of the 29164
following apply: 29165

(i) During the taxable year the trust or part of the trust 29166
recognizes a gain or loss from the sale, exchange, or other 29167
disposition of equity or ownership interests in, or debt 29168
obligations of, the C corporation. 29169

(ii) Such gain or loss constitutes nonbusiness income. 29170

(6) "Available" means information is such that a person is 29171
able to learn of the information by the due date plus extensions, 29172
if any, for filing the return for the taxable year in which the 29173
trust recognizes the gain or loss. 29174

(CC) "Qualifying controlled group" has the same meaning as in 29175
section 5733.04 of the Revised Code. 29176

(DD) "Related member" has the same meaning as in section 29177

5733.042 of the Revised Code.	29178
(EE)(1) For the purposes of division (EE) of this section:	29179
(a) "Qualifying person" means any person other than a qualifying corporation.	29180 29181
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	29182 29183 29184
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	29185 29186 29187 29188
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	29189 29190 29191 29192
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	29193 29194 29195
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	29196 29197
(1) "Trust" does not include a qualified pre-income tax trust.	29198 29199
(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.	29200 29201 29202
(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests,	29203 29204 29205 29206 29207

five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this

section on the balance thus obtained is hereby levied as follows:		29239
(1) For taxable years beginning in 2004:		29240
OHIO ADJUSTED GROSS INCOME LESS		29241
EXEMPTIONS (INDIVIDUALS)		
OR		29242
MODIFIED OHIO		29243
TAXABLE INCOME (TRUSTS)		29244
OR		29245
OHIO TAXABLE INCOME (ESTATES)	TAX	29246
\$5,000 or less	.743%	29247
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	29248
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	29249
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	29250
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	29251
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	29252
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	29253
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	29254
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	29255
(2) For taxable years beginning in 2005:		29256
OHIO ADJUSTED GROSS INCOME LESS		29257
EXEMPTIONS (INDIVIDUALS)		
OR		29258
MODIFIED OHIO		29259
TAXABLE INCOME (TRUSTS)		29260

OR		29261
OHIO TAXABLE INCOME (ESTATES)	TAX	29262
\$5,000 or less	.712%	29263
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	29264
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	29265
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	29266
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	29267
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	29268
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	29269
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	29270
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	29271
(3) For taxable years beginning in 2006:		29272
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		29273
OR		29274
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		29276
OR		29277
OHIO TAXABLE INCOME (ESTATES)	TAX	29278
\$5,000 or less	.681%	29279
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	29280
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	29281
More than \$15,000 but not more	\$238.20 plus 3.403% of the	29282

than \$20,000	amount in excess of \$15,000	
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	29283
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	29284
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	29285
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	29286
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	29287
(4) For taxable years beginning in 2007:		29288
OHIO ADJUSTED GROSS INCOME LESS		29289
EXEMPTIONS (INDIVIDUALS)		
OR		29290
MODIFIED OHIO		29291
TAXABLE INCOME (TRUSTS)		29292
OR		29293
OHIO TAXABLE INCOME (ESTATES)	TAX	29294
\$5,000 or less	.649%	29295
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	29296
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	29297
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	29298
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	29299
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	29300
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	29301
More than \$100,000 but not more	\$4,025.85 plus 6.031% of the	29302

than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	29303
(5) For taxable years beginning in 2008:		29304
OHIO ADJUSTED GROSS INCOME LESS		29305
EXEMPTIONS (INDIVIDUALS)		
OR		29306
MODIFIED OHIO		29307
TAXABLE INCOME (TRUSTS)		29308
OR		29309
OHIO TAXABLE INCOME (ESTATES)	TAX	29310
\$5,000 or less	.618%	29311
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	29312
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	29313
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	29314
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	29315
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	29316
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	29317
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	29318
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	29319
(6) For taxable years beginning in 2009 or thereafter:		29320
OHIO ADJUSTED GROSS INCOME LESS		29321
EXEMPTIONS (INDIVIDUALS)		
OR		29322

MODIFIED OHIO		29323
TAXABLE INCOME (TRUSTS)		29324
OR		29325
OHIO TAXABLE INCOME (ESTATES)	TAX	29326
\$5,000 or less	.587%	29327
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	29328
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	29329
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	29330
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	29331
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	29332
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	29333
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	29334
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	29335
In July of each year, beginning in 2010, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.		29336 29337 29338 29339 29340 29341 29342 29343 29344 29345 29346 29347

The adjusted amounts apply to taxable years beginning in the 29348
calendar year in which the adjustments are made. The tax 29349
commissioner shall not make such adjustments in any year in which 29350
the amount resulting from the adjustment would be less than the 29351
amount resulting from the adjustment in the preceding year. 29352

(B) If the director of budget and management makes a 29353
certification to the tax commissioner under division (B) of 29354
section 131.44 of the Revised Code, the amount of tax as 29355
determined under division (A) of this section shall be reduced by 29356
the percentage prescribed in that certification for taxable years 29357
beginning in the calendar year in which that certification is 29358
made. 29359

(C) The levy of this tax on income does not prevent a 29360
municipal corporation, a joint economic development zone created 29361
under section 715.691, or a joint economic development district 29362
created under section 715.70 or 715.71 or sections 715.72 to 29363
715.81 of the Revised Code from levying a tax on income. 29364

(D) This division applies only to taxable years of a trust 29365
beginning in 2002 or thereafter. 29366

(1) The tax imposed by this section on a trust shall be 29367
computed by multiplying the Ohio modified taxable income of the 29368
trust by the rates prescribed by division (A) of this section. 29369

(2) A nonresident trust may claim a credit ~~is allowed~~ against 29370
the tax computed under division (D) of this section equal to the 29371
lesser of (1) the tax paid to another state or the District of 29372
Columbia on the nonresident trust's modified nonbusiness income, 29373
other than the portion of the nonresident trust's nonbusiness 29374
income that is qualifying investment income as defined in section 29375
5747.012 of the Revised Code, or (2) the effective tax rate, based 29376
on modified Ohio taxable income, multiplied by the nonresident 29377
trust's modified nonbusiness income other than the portion of the 29378

nonresident trust's nonbusiness income that is qualifying 29379
investment income. The credit applies before any other applicable 29380
credits. 29381

(3) The credits enumerated in divisions (A)(1) to (13) of 29382
section 5747.98 of the Revised Code do not apply to a trust 29383
subject to ~~this~~ division (D) of this section. Any credits 29384
enumerated in other divisions of section 5747.98 of the Revised 29385
Code apply to a trust subject to ~~this~~ division (D) of this 29386
section. To the extent that the trust distributes income for the 29387
taxable year for which a credit is available to the trust, the 29388
credit shall be shared by the trust and its beneficiaries. The tax 29389
commissioner and the trust shall be guided by applicable 29390
regulations of the United States treasury regarding the sharing of 29391
credits. 29392

(E) For the purposes of this section, "trust" means any trust 29393
described in Subchapter J of Chapter 1 of the Internal Revenue 29394
Code, excluding trusts that are not irrevocable as defined in 29395
division (I)(3)(b) of section 5747.01 of the Revised Code and that 29396
have no modified Ohio taxable income for the taxable year, 29397
charitable remainder trusts, qualified funeral trusts and preneed 29398
funeral contract trusts established pursuant to section 1111.19 of 29399
the Revised Code that are not qualified funeral trusts, endowment 29400
and perpetual care trusts, qualified settlement trusts and funds, 29401
designated settlement trusts and funds, and trusts exempted from 29402
taxation under section 501(a) of the Internal Revenue Code. 29403

Sec. 5747.082. (A) As used in this section: 29404

(1) "Electronic technology" means electronic technology 29405
acceptable to the tax commissioner under division (B) of this 29406
section. 29407

(2) "Original tax return" means any report, return, or other 29408
tax document required to be filed under this chapter for the 29409

purpose of reporting the taxes due under, and withholdings 29410
required by, this chapter. "Original tax return" does not include 29411
an amended return or any declaration or form required by or filed 29412
in connection with section 5747.09 of the Revised Code. 29413

(3) "Related member" has the same meaning as in section 29414
5733.042 of the Revised Code. 29415

(4) "Tax return preparer" means any person that operates a 29416
business that prepares, or directly or indirectly employs another 29417
person to prepare, for a taxpayer an original tax return in 29418
exchange for compensation or remuneration from the taxpayer or the 29419
taxpayer's related member. With respect to the preparation of a 29420
return or application for refund under this chapter, "tax return 29421
preparer" does not include an individual who performs only one or 29422
more of the following activities: 29423

(a) Furnishes typing, reproducing, or other mechanical 29424
assistance; 29425

(b) Prepares an application for refund or a return on behalf 29426
of an employer by whom the individual is regularly and 29427
continuously employed, or on behalf of an officer or employee of 29428
that employer; 29429

(c) Prepares as a fiduciary an application for refund or a 29430
return; 29431

(d) Prepares an application for refund or a return for a 29432
taxpayer in response to a notice of deficiency issued to the 29433
taxpayer or the taxpayer's related member, or in response to a 29434
waiver of restriction after the commencement of an audit of the 29435
taxpayer or the taxpayer's related member. 29436

(B) Divisions (C) and (D) of this section apply to the filing 29437
of original tax returns that are due in a calendar year only if 29438
the tax commissioner, by the last day of the calendar year 29439
immediately preceding the calendar year in which such returns are 29440

due, has published on the department of taxation's official 29441
internet web site at least one method of electronic technology 29442
acceptable to the commissioner for filing such returns. 29443

(C) A tax return preparer that prepares more than 29444
seventy-five original tax returns during any calendar year that 29445
begins on or after January 1, 2008, shall, beginning January 1, 29446
2010, use electronic technology to file with the tax commissioner 29447
all original tax returns prepared by the tax return preparer. This 29448
division does not apply to a tax return preparer for a calendar 29449
year if, during the previous calendar year, the tax return 29450
preparer prepared no more than twenty-five original tax returns. 29451

29452

(D) If a tax return preparer required by this section to 29453
submit original tax returns by electronic technology files an 29454
original tax return by some means other than by electronic 29455
technology, the tax commissioner shall impose a penalty of fifty 29456
dollars for each return, in excess of seventy-five in a calendar 29457
year, that is not filed by electronic technology. Upon good cause 29458
shown by the tax return preparer, the tax commissioner may waive 29459
all or any portion of the penalty or may refund all or any portion 29460
of the penalty the tax return preparer has paid. 29461

Sec. 5748.022. A majority of the members of a board of 29462
education of a school district levying a tax under section 5748.02 29463
of the Revised Code may adopt a resolution reducing the rate of 29464
the tax by a multiple of one-fourth of one per cent. 29465

The resolution shall set forth the current rate of the tax, 29466
the reduced rate of tax that results from adoption of the 29467
resolution, the purpose or purposes for which the tax is levied, 29468
the remaining number of years the tax will be levied or that it is 29469
levied for a continuing period of time, and the date on which the 29470
reduced tax rate shall take effect, which shall be the ensuing 29471

first day of January occurring at least ~~sixty~~ forty-five days 29472
after a copy of the resolution is certified to the tax 29473
commissioner. 29474

Sec. 5749.17. Any information provided to the department of 29475
natural resources by the department of taxation in accordance with 29476
division (C)(11) of section 5703.21 of the Revised Code shall not 29477
be disclosed publicly by the department of natural resources, but 29478
the department of natural resources may provide such information 29479
to the attorney general for purposes of enforcement of the law. 29480

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 29481
the Revised Code: 29482

(1) "School district," "joint vocational school district," 29483
"local taxing unit," "recognized valuation," "fixed-rate levy," 29484
and "fixed-sum levy" have the same meanings as used in section 29485
5727.84 of the Revised Code. 29486

(2) "State education aid" for a school district means the sum 29487
of state aid amounts computed for the district under division (A) 29488
of section 3317.022 of the Revised Code, including the amounts 29489
calculated under sections 3317.029 and 3317.0217 of the Revised 29490
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 29491
3317.022; divisions (B), (C), and (D) of section 3317.023; 29492
divisions (L) and (N) of section 3317.024; section 3317.0216; and 29493
any unit payments for gifted student services paid under sections 29494
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 29495
for fiscal years 2008 and 2009, the amount computed for the 29496
district under Section 269.20.80 of H.B. 119 of the 127th general 29497
assembly and as that section subsequently may be amended shall be 29498
substituted for the amount computed under division (D) of section 29499
3317.022 of the Revised Code, and the amount computed under 29500
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 29501

- that section subsequently may be amended shall be included. 29502
- (3) "State education aid" for a joint vocational school 29503
district means the sum of the state aid computed for the district 29504
under division (N) of section 3317.024 and section 3317.16 of the 29505
Revised Code, except that, for fiscal years 2008 and 2009, the 29506
amount computed under Section 269.30.80 of H.B. 119 of the 127th 29507
general assembly and as that section subsequently may be amended 29508
shall be included. 29509
- (4) "State education aid offset" means the amount determined 29510
for each school district or joint vocational school district under 29511
division (A)(1) of section 5751.21 of the Revised Code. 29512
- (5) "Machinery and equipment property tax value loss" means 29513
the amount determined under division (C)(1) of this section. 29514
- (6) "Inventory property tax value loss" means the amount 29515
determined under division (C)(2) of this section. 29516
- (7) "Furniture and fixtures property tax value loss" means 29517
the amount determined under division (C)(3) of this section. 29518
- (8) "Machinery and equipment fixed-rate levy loss" means the 29519
amount determined under division (D)(1) of this section. 29520
- (9) "Inventory fixed-rate levy loss" means the amount 29521
determined under division (D)(2) of this section. 29522
- (10) "Furniture and fixtures fixed-rate levy loss" means the 29523
amount determined under division (D)(3) of this section. 29524
- (11) "Total fixed-rate levy loss" means the sum of the 29525
machinery and equipment fixed-rate levy loss, the inventory 29526
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 29527
loss, and the telephone company fixed-rate levy loss. 29528
- (12) "Fixed-sum levy loss" means the amount determined under 29529
division (E) of this section. 29530
- (13) "Machinery and equipment" means personal property 29531

subject to the assessment rate specified in division (F) of 29532
section 5711.22 of the Revised Code. 29533

(14) "Inventory" means personal property subject to the 29534
assessment rate specified in division (E) of section 5711.22 of 29535
the Revised Code. 29536

(15) "Furniture and fixtures" means personal property subject 29537
to the assessment rate specified in division (G) of section 29538
5711.22 of the Revised Code. 29539

(16) "Qualifying levies" are levies in effect for tax year 29540
2004 or applicable to tax year 2005 or approved at an election 29541
conducted before September 1, 2005. For the purpose of determining 29542
the rate of a qualifying levy authorized by section 5705.212 or 29543
5705.213 of the Revised Code, the rate shall be the rate that 29544
would be in effect for tax year 2010. 29545

(17) "Telephone property" means tangible personal property of 29546
a telephone, telegraph, or interexchange telecommunications 29547
company subject to an assessment rate specified in section 29548
5727.111 of the Revised Code in tax year 2004. 29549

(18) "Telephone property tax value loss" means the amount 29550
determined under division (C)(4) of this section. 29551

(19) "Telephone property fixed-rate levy loss" means the 29552
amount determined under division (D)(4) of this section. 29553

(B) The commercial activities tax receipts fund is hereby 29554
created in the state treasury and shall consist of money arising 29555
from the tax imposed under this chapter. All money in that fund 29556
shall be credited for each fiscal year in the following 29557
percentages to the general revenue fund, to the school district 29558
tangible property tax replacement fund, which is hereby created in 29559
the state treasury for the purpose of making the payments 29560
described in section 5751.21 of the Revised Code, and to the local 29561
government tangible property tax replacement fund, which is hereby 29562

created in the state treasury for the purpose of making the 29563
payments described in section 5751.22 of the Revised Code, in the 29564
following percentages: 29565

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	29567
2007	0%	70.0%	30.0%	29568
2008	0%	70.0%	30.0%	29569
2009	0%	70.0%	30.0%	29570
2010	0%	70.0%	30.0%	29571
2011	0%	70.0%	30.0%	29572
2012	5.3%	70.0%	24.7%	29573
2013	10.6%	70.0%	19.4%	29574
2014	14.1%	70.0%	15.9%	29575
2015	17.6%	70.0%	12.4%	29576
2016	21.1%	70.0%	8.9%	29577
2017	24.6%	70.0%	5.4%	29578
2018	28.1%	70.0%	1.9%	29579
2019 and thereafter	30%	70%	0%	29580

(C) Not later than September 15, 2005, the tax commissioner 29581
shall determine for each school district, joint vocational school 29582
district, and local taxing unit its machinery and equipment, 29583
inventory property, furniture and fixtures property, and telephone 29584
property tax value losses, which are the applicable amounts 29585
described in divisions (C)(1), (2), (3), and (4) of this section, 29586
except as provided in division (C)(5) of this section: 29587

(1) Machinery and equipment property tax value loss is the 29588
taxable value of machinery and equipment property as reported by 29589
taxpayers for tax year 2004 multiplied by: 29590

(a) For tax year 2006, thirty-three and eight-tenths per cent;	29591 29592
(b) For tax year 2007, sixty-one and three-tenths per cent;	29593
(c) For tax year 2008, eighty-three per cent;	29594
(d) For tax year 2009 and thereafter, one hundred per cent.	29595
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	29596 29597 29598
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	29599 29600 29601
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	29602 29603
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	29604 29605 29606
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	29607 29608 29609
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	29610 29611 29612
(a) For tax year 2006, twenty-five per cent;	29613
(b) For tax year 2007, fifty per cent;	29614
(c) For tax year 2008, seventy-five per cent;	29615
(d) For tax year 2009 and thereafter, one hundred per cent.	29616
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of	29617 29618 29619

August 31, 2005. Such determinations shall be final except for any 29620
correction of a clerical error that was made prior to August 31, 29621
2005, by the tax commissioner. 29622

(4) Telephone property tax value loss is the taxable value of 29623
telephone property as taxpayers would have reported that property 29624
for tax year 2004 if the assessment rate for all telephone 29625
property for that year were twenty-five per cent, multiplied by: 29626

(a) For tax year 2006, zero per cent; 29627

(b) For tax year 2007, zero per cent; 29628

(c) For tax year 2008, zero per cent; 29629

(d) For tax year 2009, sixty per cent; 29630

(e) For tax year 2010, eighty per cent; 29631

(f) For tax year 2011 and thereafter, one hundred per cent. 29632

(5) Division (C)(5) of this section applies to any school 29633
district, joint vocational school district, or local taxing unit 29634
in a county in which is located a facility currently or formerly 29635
devoted to the enrichment or commercialization of uranium or 29636
uranium products, and for which the total taxable value of 29637
property listed on the general tax list of personal property for 29638
any tax year from tax year 2001 to tax year 2004 was fifty per 29639
cent or less of the taxable value of such property listed on the 29640
general tax list of personal property for the next preceding tax 29641
year. 29642

In computing the fixed-rate levy losses under divisions 29643
(D)(1), (2), and (3) of this section for any school district, 29644
joint vocational school district, or local taxing unit to which 29645
division (C)(5) of this section applies, the taxable value of such 29646
property as listed on the general tax list of personal property 29647
for tax year 2000 shall be substituted for the taxable value of 29648
such property as reported by taxpayers for tax year 2004, in the 29649

taxing district containing the uranium facility, if the taxable 29650
value listed for tax year 2000 is greater than the taxable value 29651
reported by taxpayers for tax year 2004. For the purpose of making 29652
the computations under divisions (D)(1), (2), and (3) of this 29653
section, the tax year 2000 valuation is to be allocated to 29654
machinery and equipment, inventory, and furniture and fixtures 29655
property in the same proportions as the tax year 2004 values. For 29656
the purpose of the calculations in division (A) of section 5751.21 29657
of the Revised Code, the tax year 2004 taxable values shall be 29658
used. 29659

To facilitate the calculations required under division (C) of 29660
this section, the county auditor, upon request from the tax 29661
commissioner, shall provide by August 1, 2005, the values of 29662
machinery and equipment, inventory, and furniture and fixtures for 29663
all single-county personal property taxpayers for tax year 2004. 29664

(D) Not later than September 15, 2005, the tax commissioner 29665
shall determine for each tax year from 2006 through 2009 for each 29666
school district, joint vocational school district, and local 29667
taxing unit its machinery and equipment, inventory, and furniture 29668
and fixtures fixed-rate levy losses, and for each tax year from 29669
2006 through 2011 its telephone property fixed-rate levy loss, 29670
which are the applicable amounts described in divisions (D)(1), 29671
(2), (3), and (4) of this section: 29672

(1) The machinery and equipment fixed-rate levy loss is the 29673
machinery and equipment property tax value loss multiplied by the 29674
sum of the tax rates of fixed-rate qualifying levies. 29675

(2) The inventory fixed-rate loss is the inventory property 29676
tax value loss multiplied by the sum of the tax rates of 29677
fixed-rate qualifying levies. 29678

(3) The furniture and fixtures fixed-rate levy loss is the 29679
furniture and fixture property tax value loss multiplied by the 29680

sum of the tax rates of fixed-rate qualifying levies. 29681

(4) The telephone property fixed-rate levy loss is the 29682
telephone property tax value loss multiplied by the sum of the tax 29683
rates of fixed-rate qualifying levies. 29684

(E) Not later than September 15, 2005, the tax commissioner 29685
shall determine for each school district, joint vocational school 29686
district, and local taxing unit its fixed-sum levy loss. The 29687
fixed-sum levy loss is the amount obtained by subtracting the 29688
amount described in division (E)(2) of this section from the 29689
amount described in division (E)(1) of this section: 29690

(1) The sum of the machinery and equipment property tax value 29691
loss, the inventory property tax value loss, and the furniture and 29692
fixtures property tax value loss, and, for 2008 through 2017 the 29693
telephone property tax value loss of the district or unit 29694
multiplied by the sum of the fixed-sum tax rates of qualifying 29695
levies. For 2006 through 2010, this computation shall include all 29696
qualifying levies remaining in effect for the current tax year and 29697
any school district ~~emergency~~ levies imposed under section 29698
5705.194 or 5705.213 of the Revised Code that are qualifying 29699
levies not remaining in effect for the current year. For 2011 29700
through 2017 in the case of school district ~~emergency~~ levies 29701
imposed under section 5705.194 or 5705.213 of the Revised Code and 29702
for all years after 2010 in the case of other fixed-sum levies, 29703
this computation shall include only qualifying levies remaining in 29704
effect for the current year. For purposes of this computation, a 29705
qualifying school district ~~emergency~~ levy imposed under section 29706
5705.194 or 5705.213 of the Revised Code remains in effect in a 29707
year after 2010 only if, for that year, the board of education 29708
levies a school district ~~emergency~~ levy imposed under section 29709
5705.194 or 5705.213 of the Revised Code for an annual sum at 29710
least equal to the annual sum levied by the board in tax year 2004 29711
less the amount of the payment certified under this division for 29712

2006. 29713

(2) The total taxable value in tax year 2004 less the sum of 29714
the machinery and equipment, inventory, furniture and fixtures, 29715
and telephone property tax value losses in each school district, 29716
joint vocational school district, and local taxing unit multiplied 29717
by one-half of one mill per dollar. 29718

(3) For the calculations in divisions (E)(1) and (2) of this 29719
section, the tax value losses are those that would be calculated 29720
for tax year 2009 under divisions (C)(1), (2), and (3) of this 29721
section and for tax year 2011 under division (C)(4) of this 29722
section. 29723

(4) To facilitate the calculation under divisions (D) and (E) 29724
of this section, not later than September 1, 2005, any school 29725
district, joint vocational school district, or local taxing unit 29726
that has a qualifying levy that was approved at an election 29727
conducted during 2005 before September 1, 2005, shall certify to 29728
the tax commissioner a copy of the county auditor's certificate of 29729
estimated property tax millage for such levy as required under 29730
division (B) of section 5705.03 of the Revised Code, which is the 29731
rate that shall be used in the calculations under such divisions. 29732

If the amount determined under division (E) of this section 29733
for any school district, joint vocational school district, or 29734
local taxing unit is greater than zero, that amount shall equal 29735
the reimbursement to be paid pursuant to division ~~(D)~~ (E) of 29736
section 5751.21 or division (A)(3) of section 5751.22 of the 29737
Revised Code, and the one-half of one mill that is subtracted 29738
under division (E)(2) of this section shall be apportioned among 29739
all contributing fixed-sum levies in the proportion that each levy 29740
bears to the sum of all fixed-sum levies within each school 29741
district, joint vocational school district, or local taxing unit. 29742

(F) Not later than October 1, 2005, the tax commissioner 29743

shall certify to the department of education for every school 29744
district and joint vocational school district the machinery and 29745
equipment, inventory, furniture and fixtures, and telephone 29746
property tax value losses determined under division (C) of this 29747
section, the machinery and equipment, inventory, furniture and 29748
fixtures, and telephone fixed-rate levy losses determined under 29749
division (D) of this section, and the fixed-sum levy losses 29750
calculated under division (E) of this section. The calculations 29751
under divisions (D) and (E) of this section shall separately 29752
display the levy loss for each levy eligible for reimbursement. 29753

(G) Not later than October 1, 2005, the tax commissioner 29754
shall certify the amount of the fixed-sum levy losses to the 29755
county auditor of each county in which a school district, joint 29756
vocational school district, or local taxing unit with a fixed-sum 29757
levy loss reimbursement has territory. 29758

Sec. 5751.21. (A) Not later than the ~~fifteenth~~ thirtieth day 29759
of July of 2007 through 2017, the department of education shall 29760
consult with the director of budget and management and determine 29761
the following for each school district and each joint vocational 29762
school district eligible for payment under division (B) of this 29763
section: 29764

(1) The state education aid offset, which is the difference 29765
obtained by subtracting the amount described in division (A)(1)(b) 29766
of this section from the amount described in division (A)(1)(a) of 29767
this section: 29768

(a) The state education aid computed for the school district 29769
or joint vocational school district for the current fiscal year as 29770
of the ~~fifteenth~~ thirtieth day of July; 29771

(b) The state education aid that would be computed for the 29772
school district or joint vocational school district for the 29773
current fiscal year as of the ~~fifteenth~~ thirtieth day of July if 29774

the recognized valuation included the machinery and equipment, 29775
inventory, furniture and fixtures, and telephone property tax 29776
value losses for the school district or joint vocational school 29777
district for the second preceding tax year, and if taxes charged 29778
and payable associated with the tax value losses are accounted for 29779
in any state education aid computation dependent on taxes charged 29780
and payable. 29781

(2) The greater of zero or the difference obtained by 29782
subtracting the state education aid offset determined under 29783
division (A)(1) of this section from the sum of the machinery and 29784
equipment fixed-rate levy loss, the inventory fixed-rate levy 29785
loss, furniture and fixtures fixed-rate levy loss, and telephone 29786
property fixed-rate levy loss certified under division (F) of 29787
section 5751.20 of the Revised Code for all taxing districts in 29788
each school district and joint vocational school district for the 29789
second preceding tax year. 29790

By the ~~twentieth~~ thirtieth day of July of each such year, the 29791
department of education and the director of budget and management 29792
shall agree upon the amount to be determined under division (A)(1) 29793
of this section. 29794

(B) On or before the thirty-first day of August of each year 29795
beginning in 2008, the department of education shall recalculate 29796
the offset described under division (A) of this section for the 29797
previous fiscal year and recalculate the payments made under 29798
division (C) of this section in the preceding fiscal year using 29799
the offset calculated under this division. If the payments 29800
calculated under this division differ from the payments made under 29801
division (C) of this section in the preceding fiscal year, the 29802
difference shall either be paid to a school district or recaptured 29803
from a school district through an adjustment at the same times 29804
during the current fiscal year that the payments under division 29805
(C) of this section are made. In August and October of the current 29806

fiscal year, the amount of each adjustment shall be three-sevenths 29807
of the amount calculated under this division. In May of the 29808
current fiscal year, the adjustment shall be one-seventh of the 29809
amount calculated under this division. 29810

(C) The department of education shall pay from the school 29811
district tangible property tax replacement fund to each school 29812
district and joint vocational school district all of the following 29813
for fixed-rate levy losses certified under division (F) of section 29814
5751.20 of the Revised Code: 29815

(1) On or before May 31, 2006, one-seventh of the total 29816
fixed-rate levy loss for tax year 2006; 29817

(2) On or before August 31, 2006, and October 31, 2006, 29818
one-half of six-sevenths of the total fixed-rate levy loss for tax 29819
year 2006; 29820

(3) On or before May 31, 2007, one-seventh of the total 29821
fixed-rate levy loss for tax year 2007; 29822

(4) On or before August 31, 2007, and October 31, 2007, 29823
forty-three per cent of the amount determined under division 29824
(A)(2) of this section for fiscal year 2008, but not less than 29825
zero, plus one-half of six-sevenths of the difference between the 29826
total fixed-rate levy loss for tax year 2007 and the total 29827
fixed-rate levy loss for tax year 2006. 29828

(5) On or before May 31, 2008, fourteen per cent of the 29829
amount determined under division (A)(2) of this section for fiscal 29830
year 2008, but not less than zero, plus one-seventh of the 29831
difference between the total fixed-rate levy loss for tax year 29832
2008 and the total fixed-rate levy loss for tax year 2006. 29833

(6) On or before August 31, 2008, and October 31, 2008, 29834
forty-three per cent of the amount determined under division 29835
(A)(2) of this section for fiscal year 2009, but not less than 29836
zero, plus one-half of six-sevenths of the difference between the 29837

total fixed-rate levy loss in tax year 2008 and the total 29838
fixed-rate levy loss in tax year 2007. 29839

(7) On or before May 31, 2009, fourteen per cent of the 29840
amount determined under division (A)(2) of this section for fiscal 29841
year 2009, but not less than zero, plus one-seventh of the 29842
difference between the total fixed-rate levy loss for tax year 29843
2009 and the total fixed-rate levy loss for tax year 2007. 29844

(8) On or before August 31, 2009, and October 31, 2009, 29845
forty-three per cent of the amount determined under division 29846
(A)(2) of this section for fiscal year 2010, but not less than 29847
zero, plus one-half of six-sevenths of the difference between the 29848
total fixed-rate levy loss in tax year 2009 and the total 29849
fixed-rate levy loss in tax year 2008. 29850

(9) On or before May 31, 2010, fourteen per cent of the 29851
amount determined under division (A)(2) of this section for fiscal 29852
year 2010, but not less than zero, plus one-seventh of the 29853
difference between the total fixed-rate levy loss in tax year 2010 29854
and the total fixed-rate levy loss in tax year 2008. 29855

(10) On or before August 31, 2010, and October 31, 2010, 29856
forty-three per cent of the amount determined under division 29857
(A)(2) of this section for fiscal year 2011, but not less than 29858
zero, plus one-half of six-sevenths of the difference between the 29859
telephone property fixed-rate levy loss for tax year 2010 and the 29860
telephone property fixed-rate levy loss for tax year 2009. 29861

(11) On or before May 31, 2011, fourteen per cent of the 29862
amount determined under division (A)(2) of this section for fiscal 29863
year 2011, but not less than zero, plus one-seventh of the 29864
difference between the telephone property fixed-rate levy loss for 29865
tax year 2011 and the telephone property fixed-rate levy loss for 29866
tax year 2009. 29867

(12) On or before August 31, 2011, and October 31, 2011, the 29868

amount determined under division (A)(2) of this section multiplied 29869
by a fraction, the numerator of which is fourteen and the 29870
denominator of which is seventeen, but not less than zero, 29871
multiplied by forty-three per cent, plus one-half of six-sevenths 29872
of the difference between the telephone property fixed-rate levy 29873
loss for tax year 2011 and the telephone property fixed-rate levy 29874
loss for tax year 2010. 29875

(13) On or before May 31, 2012, fourteen per cent of the 29876
amount determined under division (A)(2) of this section for fiscal 29877
year 2012, multiplied by a fraction, the numerator of which is 29878
fourteen and the denominator of which is seventeen, plus 29879
one-seventh of the difference between the telephone property 29880
fixed-rate levy loss for tax year 2011 and the telephone property 29881
fixed-rate levy loss for tax year 2010. 29882

(14) On or before August 31, 2012, October 31, 2012, and May 29883
31, 2013, the amount determined under division (A)(2) of this 29884
section multiplied by a fraction, the numerator of which is eleven 29885
and the denominator of which is seventeen, but not less than zero, 29886
multiplied by one-third. 29887

(15) On or before August 31, 2013, October 31, 2013, and May 29888
31, 2014, the amount determined under division (A)(2) of this 29889
section multiplied by a fraction, the numerator of which is nine 29890
and the denominator of which is seventeen, but not less than zero, 29891
multiplied by one-third. 29892

(16) On or before August 31, 2014, October 31, 2014, and May 29893
31, 2015, the amount determined under division (A)(2) of this 29894
section multiplied by a fraction, the numerator of which is seven 29895
and the denominator of which is seventeen, but not less than zero, 29896
multiplied by one-third. 29897

(17) On or before August 31, 2015, October 31, 2015, and May 29898
31, 2016, the amount determined under division (A)(2) of this 29899

section multiplied by a fraction, the numerator of which is five 29900
and the denominator of which is seventeen, but not less than zero, 29901
multiplied by one-third. 29902

(18) On or before August 31, 2016, October 31, 2016, and May 29903
31, 2017, the amount determined under division (A)(2) of this 29904
section multiplied by a fraction, the numerator of which is three 29905
and the denominator of which is seventeen, but not less than zero, 29906
multiplied by one-third. 29907

(19) On or before August 31, 2017, October 31, 2017, and May 29908
31, 2018, the amount determined under division (A)(2) of this 29909
section multiplied by a fraction, the numerator of which is one 29910
and the denominator of which is seventeen, but not less than zero, 29911
multiplied by one-third. 29912

The department of education shall report to each school 29913
district and joint vocational school district the apportionment of 29914
the payments among the school district's or joint vocational 29915
school district's funds based on the certifications under division 29916
(F) of section 5751.20 of the Revised Code. 29917

Any qualifying levy that is a fixed-rate levy that is not 29918
applicable to a tax year after 2010 does not qualify for any 29919
reimbursement after the tax year to which it is last applicable. 29920

~~(C)~~(D) For taxes levied within the ten-mill limitation for 29921
debt purposes in tax year 2005, payments shall be made equal to 29922
one hundred per cent of the loss computed as if the tax were a 29923
fixed-rate levy, but those payments shall extend from fiscal year 29924
2006 through fiscal year 2018, as long as the qualifying levy 29925
continues to be used for debt purposes. If the purpose of such a 29926
qualifying levy is changed, that levy becomes subject to the 29927
payments determined in division ~~(B)~~(C) of this section. 29928

~~(D)~~(E)(1) Not later than January 1, 2006, for each fixed-sum 29929
levy of each school district or joint vocational school district 29930

and for each year for which a determination is made under division 29931
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 29932
loss is to be reimbursed, the tax commissioner shall certify to 29933
the department of education the fixed-sum levy loss determined 29934
under that division. The certification shall cover a time period 29935
sufficient to include all fixed-sum levies for which the 29936
commissioner made such a determination. The department shall pay 29937
from the school district property tax replacement fund to the 29938
school district or joint vocational school district one-third of 29939
the fixed-sum levy loss so certified for each year on or before 29940
the last day of ~~May~~ June, August, and October of the current year. 29941

(2) Beginning in 2006, by the first day of January of each 29942
year, the tax commissioner shall review the certification 29943
originally made under division ~~(D)~~(E)(1) of this section. If the 29944
commissioner determines that a debt levy that had been scheduled 29945
to be reimbursed in the current year has expired, a revised 29946
certification for that and all subsequent years shall be made to 29947
the department of education. 29948

~~(E)~~(F) Beginning in September 2007 and through June 2018, the 29949
director of budget and management shall transfer from the school 29950
district tangible property tax replacement fund to the general 29951
revenue fund each of the following: 29952

(1) On the first day of September, one-fourth of the amount 29953
determined for that fiscal year under division (A)(1) of this 29954
section; 29955

(2) On the first day of December, one-fourth of the amount 29956
determined for that fiscal year under division (A)(1) of this 29957
section; 29958

(3) On the first day of March, one-fourth of the amount 29959
determined for that fiscal year under division (A)(1) of this 29960
section; 29961

(4) On the first day of June, one-fourth of the amount 29962
determined for that fiscal year under division (A)(1) of this 29963
section. 29964

If, when a transfer is required under division ~~(E)~~(F)(1), 29965
(2), (3), or (4) of this section, there is not sufficient money in 29966
the school district tangible property tax replacement fund to make 29967
the transfer in the required amount, the director shall transfer 29968
the balance in the fund to the general revenue fund and may make 29969
additional transfers on later dates as determined by the director 29970
in a total amount that does not exceed one-fourth of the amount 29971
determined for the fiscal year. 29972

~~(F)~~(G) For each of the fiscal years 2006 through 2018, if the 29973
total amount in the school district tangible property tax 29974
replacement fund is insufficient to make all payments under 29975
divisions ~~(B)~~(C), ~~(C)~~(D), and ~~(D)~~(E) of this section at the times 29976
the payments are to be made, the director of budget and management 29977
shall transfer from the general revenue fund to the school 29978
district tangible property tax replacement fund the difference 29979
between the total amount to be paid and the amount in the school 29980
district tangible property tax replacement fund. For each fiscal 29981
year after 2018, at the time payments under division ~~(D)~~(E) of 29982
this section are to be made, the director of budget and management 29983
shall transfer from the general revenue fund to the school 29984
district property tax replacement fund the amount necessary to 29985
make such payments. 29986

~~(G)~~(H)(1) On the fifteenth day of June of 2006 through 2011, 29987
the director of budget and management may transfer any balance in 29988
the school district tangible property tax replacement fund to the 29989
general revenue fund. At the end of fiscal years 2012 through 29990
2018, any balance in the school district tangible property tax 29991
replacement fund shall remain in the fund to be used in future 29992
fiscal years for school purposes. 29993

(2) In each fiscal year beginning with fiscal year 2019, all 29994
amounts credited to the school district tangible personal property 29995
tax replacement fund shall be appropriated for school purposes. 29996

~~(H)~~(I) If all of the territory of a school district or joint 29997
vocational school district is merged with another district, or if 29998
a part of the territory of a school district or joint vocational 29999
school district is transferred to an existing or newly created 30000
district, the department of education, in consultation with the 30001
tax commissioner, shall adjust the payments made under this 30002
section as follows: 30003

(1) For a merger of two or more districts, the machinery and 30004
equipment, inventory, furniture and fixtures, and telephone 30005
property fixed-rate levy losses and the fixed-sum levy losses of 30006
the successor district shall be equal to the sum of the machinery 30007
and equipment, inventory, furniture and fixtures, and telephone 30008
property fixed-rate levy losses and debt levy losses as determined 30009
in section 5751.20 of the Revised Code, for each of the districts 30010
involved in the merger. 30011

(2) If property is transferred from one district to a 30012
previously existing district, the amount of machinery and 30013
equipment, inventory, furniture and fixtures, and telephone 30014
property tax value losses and fixed-rate levy losses that shall be 30015
transferred to the recipient district shall be an amount equal to 30016
the total machinery and equipment, inventory, furniture and 30017
fixtures, and telephone property fixed-rate levy losses times a 30018
fraction, the numerator of which is the value of business tangible 30019
personal property on the land being transferred in the most recent 30020
year for which data are available, and the denominator of which is 30021
the total value of business tangible personal property in the 30022
district from which the land is being transferred in the most 30023
recent year for which data are available. For each of the first 30024
five years after the property is transferred, but not after fiscal 30025

year 2012, if the tax rate in the recipient district is less than 30026
the tax rate of the district from which the land was transferred, 30027
one-half of the payments arising from the amount of fixed-rate 30028
levy losses so transferred to the recipient district shall be paid 30029
to the recipient district and one-half of the payments arising 30030
from the fixed-rate levy losses so transferred shall be paid to 30031
the district from which the land was transferred. Fixed-rate levy 30032
losses so transferred shall be computed on the basis of the sum of 30033
the rates of fixed-rate qualifying levies of the district from 30034
which the land was transferred, notwithstanding division ~~(D)~~(E) of 30035
this section. 30036

(3) After December 31, 2004, if property is transferred from 30037
one or more districts to a district that is newly created out of 30038
the transferred property, the newly created district shall be 30039
deemed not to have any machinery and equipment, inventory, 30040
furniture and fixtures, or telephone property fixed-rate levy 30041
losses and the districts from which the property was transferred 30042
shall have no reduction in their machinery and equipment, 30043
inventory, furniture and fixtures, and telephone property 30044
fixed-rate levy losses. 30045

(4) If the recipient district under division ~~(H)~~(I)(2) of 30046
this section or the newly created district under divisions 30047
~~(H)~~(I)(3) of this section is assuming debt from one or more of the 30048
districts from which the property was transferred and any of the 30049
districts losing the property had fixed-sum levy losses, the 30050
department of education, in consultation with the tax 30051
commissioner, shall make an equitable division of the fixed-sum 30052
levy loss reimbursements. 30053

Sec. 6101.53. To maintain, operate, and preserve the 30054
reservoirs, ditches, drains, dams, levies, canals, sewers, pumping 30055
stations, treatment and disposal works, or other properties or 30056

improvements acquired or made pursuant to this chapter, to 30057
strengthen, repair, and restore the same, when needed, and to 30058
defray the current expenses of the conservancy district, the board 30059
of directors of the district may, upon the substantial completion 30060
of the improvements and on or before the ~~first~~ fifteenth day of 30061
September in each year thereafter, levy an assessment upon each 30062
tract or parcel of land and upon each public corporation within 30063
the district, subject to assessments under this chapter, to be 30064
known as a conservancy maintenance assessment. No assessment shall 30065
be made with respect to works and improvements acquired or 30066
constructed for the purpose of providing a water supply for 30067
domestic, industrial, and public use within the district, when the 30068
water supply can be metered or measured when furnished to persons 30069
or public corporations. If the district, for the benefit of one or 30070
more persons or political subdivisions, provides a water supply 30071
that recharges underground aquifers and thereby replenishes wells 30072
or provides a source of water for new wells, or increases the 30073
natural low flow of a stream used for water supply, or creates an 30074
impoundment, in such a way that the augmented use of water cannot 30075
be metered or measured for individual or public consumption, the 30076
board may make a maintenance assessment against benefited property 30077
and public corporations in the same manner provided in this 30078
section for maintenance of other properties or improvements. 30079

The maintenance assessment shall be apportioned upon the 30080
basis of the total appraisal of benefits accruing for original and 30081
subsequent construction, shall not exceed one per cent of the 30082
total appraisal of benefits in any one year unless the court by 30083
its order authorizes an assessment of a larger percentage, shall 30084
not be less than two dollars, and shall be certified to the county 30085
auditor of each county in which lands of the district are located 30086
in the conservancy assessment record but in a separate column in 30087
like manner and at the same time as the annual installment of the 30088
assessment levied under section 6101.48 of the Revised Code is 30089

certified, under the heading maintenance assessment. The auditor 30090
shall certify the same to the county treasurer of the county at 30091
the same time that the auditor certifies the annual installment of 30092
the assessments levied under that section, and the sum of the 30093
levies for any tract or public corporation may be certified as a 30094
single item. The treasurer shall demand and collect the 30095
maintenance assessment and make return of it, and shall be liable 30096
for the same penalties for failure to do so as are provided for 30097
the annual installment of the assessment levied under section 30098
6101.48 of the Revised Code. 30099

The amount of the maintenance assessment paid by any parcel 30100
of land or public corporation shall not be credited against the 30101
benefits assessed against the parcel of land or public 30102
corporation, but the maintenance assessment shall be in addition 30103
to any assessment that has been or can be levied under section 30104
6101.48 of the Revised Code. 30105

To maintain, operate, and preserve the works and improvements 30106
of the district acquired or constructed for the purpose of 30107
providing a water supply, to strengthen, repair, and restore the 30108
same, and to defray the current expenses of the district for this 30109
purpose, the board may impose rates for the sale of water to 30110
public corporations and persons within the district. The rates to 30111
be charged for the water shall be fixed and adjusted by the board 30112
at intervals of not less than one year, so that the income thus 30113
produced will be adequate to provide a maintenance fund for the 30114
purpose of water supply. Contracts for supplying water to public 30115
corporations and persons shall be entered into before the service 30116
is rendered by the district. Contracts shall specify the maximum 30117
quantity of water to be furnished to the public corporation or 30118
person, and the quantity shall be fixed so as equitably to 30119
distribute the supply. Preference shall be given to water supply 30120
furnished to public corporations for domestic and public uses. 30121

Bills for water supplied to public corporations shall be rendered 30122
at regular intervals and shall be payable from the waterworks fund 30123
of the public corporation or, if it is not sufficient, from the 30124
general fund. 30125

Sec. 6101.55. The board of directors of a conservancy 30126
district shall each year after the original assessment has been 30127
levied determine, order, and levy the annual levy, which shall 30128
include all assessments, or installments of assessments, together 30129
with interest, levied under this chapter, which become due in the 30130
ensuing year. The annual levy shall be due and be collected at the 30131
same time that state and county taxes are due and collected. After 30132
bonds have been sold, in the determination of an annual levy, the 30133
rate of interest upon the unpaid installments of an assessment 30134
shall be the rate borne by the bonds that have been issued and 30135
sold pursuant to the assessment. The annual levy shall be recorded 30136
in the conservancy assessment record, shall be signed and 30137
certified by the president of the board and by the secretary of 30138
the conservancy district not later than the ~~first~~ fifteenth day of 30139
September each year, and shall thereafter become a permanent 30140
record in the office of the district. 30141

The certificate of the annual levy shall be substantially as 30142
set forth in section 6101.84 of the Revised Code. Then shall 30143
follow both of the following: 30144

(A) The descriptions of the property opposite the names of 30145
the owners; 30146

(B) The total amount of the annual levy on each piece of 30147
property and on each public corporation for the account of all 30148
funds and the amount of each item making up the total. 30149

The form of the annual levy portion of the conservancy 30150
assessment record as prescribed in this section may be modified 30151
with the approval of the auditor of state. The certificate of the 30152

annual levy and the annual levy portion of the conservancy 30153
assessment record shall be named " Assessment Record of 30154
..... District, County, Ohio." 30155

One copy of that part of the assessment record affecting 30156
lands and public corporations in any county shall be forwarded to 30157
the county auditor of that county. The auditor of each county 30158
shall set up as a charge upon the county treasurer the total 30159
amount of assessments levied as shown by the assessment record, 30160
and shall certify the record as other tax records to the county 30161
treasurer of the county. The treasurer shall collect the amount 30162
according to law. The assessment record shall be the treasurer's 30163
warrant and authority to demand and receive the assessments due in 30164
the county as found in the ~~the~~ record. 30165

In the event of any failure of the board to determine and 30166
order an annual levy for the purpose of paying the interest and 30167
principal of any bonds pursuant to this chapter, the auditor of 30168
the county in which the lands and public corporations subject to 30169
the assessments are situated shall make and complete a levy of the 30170
special assessments necessary for the purpose against the lands 30171
and public corporations in the district, and each piece of 30172
property in that county against which benefits have been 30173
appraised. Any assessment so made and completed by the auditor 30174
shall be made and completed by the auditor in the manner provided 30175
for the making and completion of an assessment by the board, and 30176
shall have the same effect as a levy of assessments determined and 30177
ordered by the board. 30178

Sec. 6117.01. (A) As used in this chapter: 30179

(1) "Sanitary facilities" means sanitary sewers, force mains, 30180
lift or pumping stations, and facilities for the treatment, 30181
disposal, impoundment, or storage of wastes; equipment and 30182
furnishings; and all required appurtenances and necessary real 30183

estate and interests in real estate. 30184

(2) "Drainage" or "waters" means flows from rainfall or 30185
otherwise produced by, or resulting from, the elements, storm 30186
water discharges and releases or migrations of waters from 30187
properties, accumulations, flows, and overflows of water, 30188
including accelerated flows and runoffs, flooding and threats of 30189
flooding of properties and structures, and other surface and 30190
subsurface drainage. 30191

(3) "Drainage facilities" means storm sewers, force mains, 30192
pumping stations, and facilities for the treatment, disposal, 30193
impoundment, retention, control, or storage of waters; 30194
improvements of or for any channel, ditch, drain, floodway, or 30195
watercourse, including location, construction, reconstruction, 30196
reconditioning, widening, deepening, cleaning, removal of 30197
obstructions, straightening, boxing, culverting, tiling, filling, 30198
walling, arching, or change in course, location, or terminus; 30199
improvements of or for a river, creek, or run, including 30200
reinforcement of banks, enclosing, deepening, widening, 30201
straightening, removal of obstructions, or change in course, 30202
location, or terminus; facilities for the protection of lands from 30203
the overflow of water, including a levee, wall, embankment, jetty, 30204
dike, dam, sluice, revetment, reservoir, retention or holding 30205
basin, control gate, or breakwater; facilities for controlled 30206
drainage, regulation of stream flow, and protection of an outlet; 30207
the vacation of a ditch or drain; equipment and furnishings; and 30208
all required appurtenances and necessary real estate and interests 30209
in real estate. 30210

(4) "County sanitary engineer" means either of the following: 30211

(a) The registered professional engineer employed or 30212
appointed by the board of county commissioners to be the county 30213
sanitary engineer as provided in this section ~~6117.01 of the~~ 30214
~~Revised Code~~; 30215

(b) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge duties of a county sanitary engineer under this chapter.

(5) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(6) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of sanitary or drainage facilities or of prevention or replacement facilities, but does not include any repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(7) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore sanitary or drainage facilities or prevention or replacement facilities to, or to continue sanitary or drainage facilities or prevention or replacement facilities in, good order and working condition, but does not include construction of permanent improvements.

(8) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(9) "Combined sewer" means a sewer system that is designed to collect and convey sewage, including domestic, commercial, and industrial wastewater, and storm water through a single-pipe system to a treatment works or combined sewer overflow outfall approved by the director of environmental protection.

(10) "Prevention or replacement facilities" means vegetated swales or median strips, permeable pavement, trees and tree boxes,

rain barrels and cisterns, rain gardens and filtration planters, 30247
vegetated roofs, wetlands, riparian buffers, and practices and 30248
structures that use or mimic natural processes to filter or reuse 30249
storm water. 30250

(B)(1) For the purpose of preserving and promoting the public 30251
health and welfare, a board of county commissioners may lay out, 30252
establish, consolidate, or otherwise modify the boundaries of, and 30253
maintain, one or more sewer districts within the county and 30254
outside municipal corporations and may have a registered 30255
professional engineer make the surveys necessary for the 30256
determination of the proper boundaries of each district, which 30257
shall be designated by an appropriate name or number. The board 30258
may acquire, construct, maintain, and operate within any district 30259
sanitary or drainage facilities that it determines to be necessary 30260
or appropriate for the collection of sewage and other wastes 30261
originating in or entering the district, to comply with the 30262
provisions of a contract entered into for the purposes described 30263
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 30264
those sections or other applicable provisions of law, or for the 30265
collection, control, or abatement of waters originating or 30266
accumulating in, or flowing in, into, or through, the district, 30267
and other sanitary or drainage facilities, within or outside of 30268
the district, that it determines to be necessary or appropriate to 30269
conduct the wastes and waters to a proper outlet and to provide 30270
for their proper treatment, disposal, and disposition. The board 30271
may provide for the protection of the sanitary and drainage 30272
facilities and may negotiate and enter into a contract with any 30273
public agency or person for the management, maintenance, 30274
operation, and repair of any of the facilities on behalf of the 30275
county upon the terms and conditions that may be agreed upon with 30276
the agency or person and that may be determined by the board to be 30277
in the best interests of the county. By contract with any public 30278
agency or person operating sanitary or drainage facilities within 30279

or outside of the county, the board may provide a proper outlet 30280
for any of the wastes and waters and for their proper treatment, 30281
disposal, and disposition. 30282

(2) For purposes of preventing storm water from entering a 30283
combined sewer and causing an overflow or an inflow to a sanitary 30284
sewer, the board may acquire, design, construct, operate, repair, 30285
maintain, and provide for a project or program that separates 30286
storm water from a combined sewer or for a prevention or 30287
replacement facility that prevents or minimizes storm water from 30288
entering a combined sewer or a sanitary sewer. 30289

(C) The board of county commissioners may employ a registered 30290
professional engineer to be the county sanitary engineer for the 30291
time and on the terms it considers best and may authorize the 30292
county sanitary engineer to employ necessary assistants upon the 30293
terms fixed by the board. Prior to the initial assignment of 30294
drainage facilities duties to the county sanitary engineer, if the 30295
county sanitary engineer is not the county engineer, the board 30296
first shall offer to enter into an agreement with the county 30297
engineer pursuant to section 315.14 of the Revised Code for 30298
assistance in the performance of those duties of the board 30299
pertaining to drainage facilities, and the county engineer shall 30300
accept or reject the offer within thirty days after the date the 30301
offer is made. 30302

The board may create and maintain a sanitary engineering 30303
department, which shall be under its supervision and which shall 30304
be headed by the county sanitary engineer, for the purpose of 30305
aiding it in the performance of its duties under this chapter and 30306
Chapter 6103. of the Revised Code or its other duties regarding 30307
sanitation, drainage, and water supply provided by law. The board 30308
shall provide suitable facilities for the use of the department 30309
and shall provide for and pay the compensation of the county 30310
sanitary engineer and all authorized necessary expenses of the 30311

county sanitary engineer and the sanitary engineering department. 30312
The county sanitary engineer, with the approval of the board, may 30313
appoint necessary assistants and clerks, and the compensation of 30314
those assistants and clerks shall be provided for and paid by the 30315
board. 30316

(D) The board of county commissioners may adopt, publish, 30317
administer, and enforce rules for the construction, maintenance, 30318
protection, and use of county-owned or county-operated sanitary 30319
and drainage facilities and prevention or replacement facilities 30320
outside municipal corporations, and of sanitary and drainage 30321
facilities and prevention or replacement facilities within 30322
municipal corporations that are owned or operated by the county or 30323
that discharge into sanitary or drainage facilities or prevention 30324
or replacement facilities owned or operated by the county, 30325
including, but not limited to, rules for the establishment and use 30326
of any connections, the termination in accordance with reasonable 30327
procedures of sanitary service for the nonpayment of county 30328
sanitary rates and charges and, if so determined, the concurrent 30329
termination of any county water service for the nonpayment of 30330
those rates and charges, the termination in accordance with 30331
reasonable procedures of drainage service for the nonpayment of 30332
county drainage rates and charges, and the establishment and use 30333
of security deposits to the extent considered necessary to ensure 30334
the payment of county sanitary or drainage rates and charges. The 30335
rules shall not be inconsistent with the laws of this state or any 30336
applicable rules of the director of environmental protection. 30337

30338

(E) No sanitary or drainage facilities or prevention or 30339
replacement facilities shall be constructed in any county outside 30340
municipal corporations by any person until the plans and 30341
specifications have been approved by the board of county 30342
commissioners, and any construction shall be done under the 30343

supervision of the county sanitary engineer. Not less than thirty 30344
days before the date drainage plans are submitted to the board for 30345
its approval, the plans shall be submitted to the county engineer. 30346
If the county engineer is of the opinion after review that the 30347
facilities will have a significant adverse effect on roads, 30348
culverts, bridges, or existing maintenance within the county, the 30349
county engineer may submit a written opinion to the board not 30350
later than thirty days after the date the plans are submitted to 30351
the county engineer. The board may take action relative to the 30352
drainage plans only after the earliest of receiving the written 30353
opinion of the county engineer, receiving a written waiver of 30354
submission of an opinion from the county engineer, or passage of 30355
thirty days from the date the plans are submitted to the county 30356
engineer. Any person constructing the facilities shall pay to the 30357
county all expenses incurred by the board in connection with the 30358
construction 30359

(F) The county sanitary engineer or the county sanitary 30360
engineer's authorized assistants or agents, when properly 30361
identified in writing or otherwise and after written notice is 30362
delivered to the owner at least five days in advance or is mailed 30363
at least five days in advance by first class or certified mail to 30364
the owner's tax mailing address, may enter upon any public or 30365
private property for the purpose of making, and may make, surveys 30366
or inspections necessary for the laying out of sewer districts or 30367
the design or evaluation of county sanitary or drainage facilities 30368
or prevention or replacement facilities. This entry is not a 30369
trespass and is not to be considered an entry in connection with 30370
any appropriation of property proceedings under sections 163.01 to 30371
163.22 of the Revised Code that may be pending. No person or 30372
public agency shall forbid the county sanitary engineer or the 30373
county sanitary engineer's authorized assistants or agents to 30374
enter, or interfere with their entry, upon the property for that 30375
purpose or forbid or interfere with their making of surveys or 30376

inspections. If actual damage is done to property by the making of 30377
the surveys and inspections, the board shall pay the reasonable 30378
value of the damage to the property owner, and the cost shall be 30379
included in the cost of the facilities and may be included in any 30380
special assessments to be levied and collected to pay that cost. 30381

Sec. 6117.011. A board of county commissioners in the manner 30382
provided in this section may make surveys of water supply, 30383
sanitary facilities, ~~or~~ drainage facilities, or prevention or 30384
replacement facilities for any sewer district, the acquisition or 30385
construction of which is contemplated. 30386

Any board desiring to make a survey shall adopt a resolution 30387
declaring its purpose and necessity. In making the surveys, the 30388
board may call upon engineering officers or employees regularly 30389
employed by the board or may authorize and enter into contracts 30390
for the services of registered professional engineers to make the 30391
surveys. 30392

The surveys authorized by this section may include drawings, 30393
plans, specifications, estimates of cost of labor and materials, 30394
other items of cost, assessment rolls, and other facts, material, 30395
data, reports, and information and recommendations that the board 30396
considers advisable or necessary for the purpose. 30397

Contracts entered into for the surveys shall be considered 30398
contracts for professional services and may provide for 30399
preliminary surveys or the making of detailed plans, or both, and 30400
also may provide for engineering supervision of the work. No 30401
contract shall be valid unless one or more of the services to be 30402
performed are by its terms to be commenced within one year after 30403
the contract date. 30404

The contracts shall be signed by at least two members of the 30405
board and by the engineer agreeing to perform the service, and one 30406
signed copy of the contract shall be filed with the fiscal officer 30407

of the county, whose certificate, otherwise required by section 30408
5705.41 of the Revised Code, need not be provided. Payment for the 30409
contracts may be made from the general fund or any other fund 30410
legally available for that use at the times that are agreed upon 30411
or as determined by the board. The proceeds of any public 30412
obligations issued pursuant to section 6119.36 of the Revised Code 30413
or any other public obligations issued or incurred to pay the cost 30414
of facilities to which a survey relates may be used to pay any 30415
part of the cost under the contracts or to reimburse the fund from 30416
which payment was made. 30417

Sec. 6117.012. (A) A board of county commissioners may adopt 30418
rules requiring owners of property within the district whose 30419
property is served by a connection to sewers maintained and 30420
operated by the board or to sewers that are connected to 30421
interceptor sewers maintained and operated by the board to do any 30422
of the following: 30423

(1) Disconnect ~~stormwater~~ storm water inflows to sanitary 30424
sewers maintained and operated by the board and not operated as a 30425
combined sewer, or to connections with those sewers; 30426

(2) Disconnect ~~non-stormwater~~ non-storm water inflows to 30427
~~stormwater~~ storm water sewers maintained and operated by the board 30428
and not operated as a combined sewer, or to connections with those 30429
storm water sewers; 30430

(3) Reconnect or relocate any such disconnected inflows in 30431
compliance with board rules and applicable building codes, health 30432
codes, or other relevant codes; 30433

(4) Prevent sewer back-ups into properties that have 30434
experienced one or more ~~overflows~~ back-ups of sanitary or combined 30435
sewers maintained and operated by the board; 30436

(5) Prevent storm water from entering a combined sewer and 30437

causing an overflow or an inflow to a sanitary sewer, which 30438
prevention may include projects or programs that separate the 30439
storm water from a combined sewer or that utilize a prevention or 30440
replacement facility to prevent or minimize storm water from 30441
entering a combined sewer or a sanitary sewer. 30442

(B) Any inflow required to be disconnected or any sewer 30443
back-up required to be prevented under a rule adopted pursuant to 30444
~~division~~ divisions (A)(1) to (4) of this section constitutes a 30445
nuisance subject to injunctive relief and abatement pursuant to 30446
Chapter 3767. of the Revised Code or as otherwise permitted by 30447
law. 30448

(C) A board of county commissioners may use sewer district 30449
funds; county general fund moneys; the proceeds of bonds issued 30450
under Chapter 133. or 165. of the Revised Code; and, to the extent 30451
permitted by their terms, loans, grants, or other moneys from 30452
appropriate state or federal funds, for either of the following: 30453

(1) The cost of disconnections, reconnections, relocations, 30454
combined sewer overflow prevention, or sewer back-up prevention 30455
required by rules adopted pursuant to division (A) of this 30456
section, performed by the county or under contract with the 30457
county; 30458

(2) Payments to the property owner or a contractor hired by 30459
the property owner pursuant to a competitive process established 30460
by district rules, for the cost of disconnections, reconnections, 30461
relocations, combined sewer overflow prevention, or sewer back-up 30462
prevention required by rules adopted pursuant to division (A) of 30463
this section after the board, pursuant to its rules, has approved 30464
the work to be performed and after the county has received from 30465
the property owner a statement releasing the county from all 30466
liability in connection with the disconnections, reconnections, 30467
relocations, combined sewer overflow prevention, or sewer back-up 30468
prevention. 30469

(D) Except as provided in division (E) of this section, the board of county commissioners shall require in its rules regarding disconnections, reconnections, ~~or~~ relocations of sewers, combined sewer overflow prevention, or sewer back-up prevention the reimbursement of moneys expended pursuant to division (C) of this section by either of the following methods:

(1) A charge to the property owner in the amount of the payment made pursuant to division (C) of this section for immediate payment or payment in installments with interest as determined by the board not to exceed ten per cent, which payments may be billed as a separate item with the rents charged to that owner for use of the sewers. The board may approve installment payments for a period of not more than fifteen years. If charges are to be paid in installments, the board shall certify to the county auditor information sufficient to identify each subject parcel of property, the total of the charges to be paid in installments, and the total number of installments to be paid. The auditor shall record the information in the sewer improvement record until these charges are paid in full. Charges not paid when due shall be certified to the county auditor, who shall place the charges upon the real property tax list and duplicate against that property. Those charges shall be a lien on the property from the date they are placed on the tax list and duplicate and shall be collected in the same manner as other taxes.

(2) A special assessment levied against the property, payable in the number of years the board determines, not to exceed fifteen years, with interest as determined by the board not to exceed ten per cent. The board shall certify the assessments to the county auditor, stating the amount and time of payment. The auditor shall record the information in the county sewer improvement record, showing separately the assessments to be collected, and shall place the assessments upon the real property tax list and

duplicate for collection. The assessments shall be a lien on the 30502
property from the date they are placed on the tax list and 30503
duplicate and shall be collected in the same manner as other 30504
taxes. 30505

(E) The county may adopt a resolution specifying a maximum 30506
amount of the cost of any disconnection, reconnection, relocation, 30507
combined sewer overflow prevention, or sewer back-up prevention 30508
required pursuant to division (A) of this section that may be paid 30509
by the county for each affected parcel of property without 30510
requiring reimbursement. That amount may be allowed only if there 30511
is a building code, health code, or other relevant code, or a 30512
federally imposed or state-imposed consent decree that is filed or 30513
otherwise recorded in a court of competent jurisdiction, 30514
applicable to the affected parcel that prohibits in the future any 30515
inflows, combined sewer overflows, or sewer back-ups not allowed 30516
under rules adopted pursuant to division (A)(1) ~~or~~, (4), or (5) of 30517
this section. The board, by rule, shall establish criteria for 30518
determining how much of the maximum amount for each qualifying 30519
parcel need not be reimbursed. 30520

(F) Disconnections, reconnections, relocations, combined 30521
sewer overflow prevention, or sewer back-up prevention required 30522
under this section and performed by a contractor under contract 30523
with the property owner shall not be considered a public 30524
improvement, and those performed by the county shall be considered 30525
a public improvement as defined in section 4115.03 of the Revised 30526
Code. 30527

Disconnections, reconnections, relocations, combined sewer 30528
overflow prevention, or sewer back-up prevention required under 30529
this section performed by a contractor under contract with the 30530
property owner shall not be subject to competitive bidding or 30531
public bond laws. 30532

(G) Property owners shall be responsible for maintaining any 30533

improvements made or facilities constructed on private property to 30534
reconnect or relocate disconnected inflows, for combined sewer 30535
overflow prevention, or for sewer back-up prevention pursuant to 30536
this section unless a public easement or other agreement exists 30537
for the county to maintain that improvement or facility. 30538

(H) A board of county commissioners may provide rate 30539
reductions of and credits against charges for the use of sewers to 30540
a property owner that implements a project or program that 30541
prevents storm water from entering a combined sewer and causing an 30542
overflow. Such a project or program may include the use of a 30543
prevention or replacement facility to handle storm water that has 30544
been separated from a combined sewer. The revised rates or charges 30545
shall be collected and paid to the county treasurer in accordance 30546
with section 6117.02 of the Revised Code. 30547

Sec. 6117.04. The authority of a board of county 30548
commissioners to acquire, construct, maintain, and operate 30549
sanitary or drainage facilities or prevention or replacement 30550
facilities for a county sewer district in the territory of a 30551
municipal corporation, or a regional district established under 30552
Chapter 6119. of the Revised Code, that is in whole or in part 30553
within the county sewer district is the same as provided by law 30554
with respect to territory within a county sewer district that is 30555
wholly outside a municipal corporation or a regional district, 30556
subject to the following in the case of facilities within a 30557
municipal corporation: 30558

(A) The acquisition, construction, maintenance, and operation 30559
of the facilities shall first be authorized by an ordinance or 30560
resolution of the legislative authority of the municipal 30561
corporation. 30562

(B) All road surfaces, curbs, sidewalks, sewers, water supply 30563
facilities, or other public improvements or property that may be 30564

disturbed or damaged by the construction of the facilities shall 30565
be replaced or restored within a reasonable time by the county, 30566
and the cost shall be treated as a part of the cost of the 30567
facilities. 30568

(C) The municipal corporation, with the prior approval of or 30569
by agreement with the board, may make use of the facilities in 30570
accordance with rules established by the board and subject to any 30571
applicable requirements of the director of environmental 30572
protection. 30573

Sec. 6117.05. (A) Whenever any portion of a sewer district is 30574
incorporated as, or annexed to, a municipal corporation, the area 30575
so incorporated or annexed shall remain under the jurisdiction of 30576
the board of county commissioners for purposes of the acquisition 30577
and construction of sanitary and drainage facility and prevention 30578
or replacement facility improvements until all of those 30579
improvements for the area for which a resolution described in 30580
division (A) or (E) of section 6117.06 of the Revised Code has 30581
been adopted by the board have been acquired or completed or until 30582
the board has abandoned the improvements. The board, unless and 30583
until a conveyance is made to a municipal corporation in 30584
accordance with division (B) of this section, shall continue to 30585
have jurisdiction in the area so incorporated or annexed with 30586
respect to the management, maintenance, and operation of all 30587
sanitary and drainage facilities and prevention or replacement 30588
facilities so acquired or completed, or previously acquired or 30589
completed, including the right to establish rules and rates and 30590
charges for the use of, and connections to, the facilities. The 30591
incorporation or annexation of any part of a district shall not 30592
affect the legality or enforceability of any public obligations 30593
issued or incurred by the county for purposes of this chapter to 30594
provide for the payment of the cost of acquisition, construction, 30595
maintenance, or operation of any sanitary or drainage facilities 30596

or prevention or replacement facilities within the area, or the 30597
validity of any assessments levied or to be levied upon properties 30598
within the area to provide for the payment of the cost of 30599
acquisition, construction, maintenance, or operation of the 30600
facilities. 30601

(B) Any completed sanitary or drainage facilities or 30602
prevention or replacement facilities acquired or constructed by a 30603
county under this chapter for the use of any county sewer 30604
district, or any part of those facilities, that are located within 30605
a municipal corporation or within any area that is incorporated 30606
as, or annexed to, a municipal corporation, or any part of the 30607
facilities that serve a municipal corporation or such an area, may 30608
be conveyed, by mutual agreement between the board and the 30609
municipal corporation, to the municipal corporation on terms and 30610
for consideration as may be negotiated. Upon and after the 30611
conveyance, the municipal corporation shall manage, maintain, and 30612
operate the facilities in accordance with the agreement. The board 30613
may retain the right to joint use of all or part of any facilities 30614
so conveyed for the benefit of the district. Neither the validity 30615
of any assessment levied or to be levied, nor the legality or 30616
enforceability of any public obligations issued or incurred, to 30617
provide for the payment of the cost of the acquisition, 30618
construction, maintenance, or operation of the facilities or any 30619
part of them, shall be affected by the conveyance. 30620

Sec. 6117.06. (A) After the establishment of any sewer 30621
district, the board of county commissioners, if a sanitary or 30622
drainage facility or prevention or replacement facility 30623
improvement is to be undertaken, may have the county sanitary 30624
engineer prepare, or otherwise cause to be prepared, for the 30625
district, or revise as needed, a general plan of sewerage or 30626
drainage that is as complete in each case as can be developed at 30627
the time and that is devised with regard to any existing sanitary 30628

or drainage facilities or prevention or replacement facilities in 30629
the district and present as well as prospective needs for 30630
additional sanitary or drainage facilities or prevention or 30631
replacement facilities in the district. After the general plan, in 30632
original or revised form, has been approved by the board, it may 30633
adopt a resolution generally describing the improvement that is 30634
necessary to be acquired or constructed in accordance with the 30635
particular plan, declaring that the improvement is necessary for 30636
the preservation and promotion of the public health and welfare, 30637
and determining whether or not special assessments are to be 30638
levied and collected to pay any part of the cost of the 30639
improvement. 30640

(B) If special assessments are not to be levied and collected 30641
to pay any part of the cost of the improvement, the board, in the 30642
resolution provided for in division (A) of this section or in a 30643
subsequent resolution, including a resolution authorizing the 30644
issuance or incurrence of public obligations for the improvement, 30645
may authorize the improvement and the expenditure of the funds 30646
required for its acquisition or construction and may proceed with 30647
the improvement without regard to the procedures otherwise 30648
required by divisions (C), (D), and (E) of this section and by 30649
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 30650
are required only for improvements for which special assessments 30651
are to be levied and collected. 30652

(C) If special assessments are to be levied and collected 30653
pursuant to a determination made in the resolution provided for in 30654
division (A) of this section or in a subsequent resolution, the 30655
procedures referred to in division (B) of this section as being 30656
required for that purpose shall apply, and the board may have the 30657
county sanitary engineer prepare, or otherwise cause to be 30658
prepared, detailed plans, specifications, and an estimate of cost 30659
for the improvement, together with a tentative assessment of the 30660

cost based on the estimate. The tentative assessment shall be for 30661
the information of property owners and shall not be levied or 30662
certified to the county auditor for collection. The detailed 30663
plans, specifications, estimate of cost, and tentative assessment, 30664
if approved by the board, shall be carefully preserved in the 30665
office of the board or the county sanitary engineer and shall be 30666
open to the inspection of all persons interested in the 30667
improvement. 30668

(D) After the board's approval of the detailed plans, 30669
specifications, estimate of cost, and tentative assessment, and at 30670
least twenty-four days before adopting a resolution pursuant to 30671
division (E) of this section, the board, except to the extent that 30672
appropriate waivers of notice are obtained from affected owners, 30673
shall cause to be sent a notice of its intent to adopt the 30674
resolution to each owner of property proposed to be assessed that 30675
is listed on the records of the county auditor for current 30676
agricultural use value taxation pursuant to section 5713.31 of the 30677
Revised Code and that is not located in an agricultural district 30678
established under section 929.02 of the Revised Code. The notice 30679
shall satisfy all of the following: 30680

(1) Be sent by first class or certified mail; 30681

(2) Specify the proposed date of the adoption of the 30682
resolution; 30683

(3) Contain a statement that the improvement will be financed 30684
in whole or in part by special assessments and that all properties 30685
not located in an agricultural district established pursuant to 30686
section 929.02 of the Revised Code may be subject to a special 30687
assessment; 30688

(4) Contain a statement that an agricultural district may be 30689
established by filing an application with the county auditor. 30690

If it appears, by the return of the mailed notices or by 30691

other means, that one or more of the affected owners cannot be 30692
found or are not served by the mailed notice, the board shall 30693
cause the notice to be published once in a newspaper of general 30694
circulation in the county not later than ten days before the 30695
adoption of the resolution. 30696

(E) After complying with divisions (A), (C), and (D) of this 30697
section, the board may adopt a resolution declaring that the 30698
improvement, which shall be described as to its nature and its 30699
location, route, and termini, is necessary for the preservation 30700
and promotion of the public health and welfare, referring to the 30701
plans, specifications, estimate of cost, and tentative assessment, 30702
stating the place where they are on file and may be examined, and 30703
providing that the entire cost or a lesser designated part of the 30704
cost will be specially assessed against the benefited properties 30705
within the district and that any balance will be paid by the 30706
county at large from other available funds. The resolution also 30707
shall contain a description of the boundaries of that part of the 30708
district to be assessed and shall designate a time and place for 30709
objections to the improvement, to the tentative assessment, or to 30710
the boundaries of the assessment district to be heard by the 30711
board. The date of that hearing shall be not less than twenty-four 30712
days after the date of the first publication of the notice of the 30713
hearing required by this division. 30714

The board shall cause a notice of the hearing to be published 30715
once a week for two consecutive weeks in a newspaper of general 30716
circulation in the county, and on or before the date of the second 30717
publication, it shall cause to be sent by first class or certified 30718
mail a copy of the notice to every owner of property to be 30719
assessed for the improvement whose address is known. 30720

The notice shall set forth the time and place of the hearing, 30721
a summary description of the proposed improvement, including its 30722
general route and termini, a summary description of the area 30723

constituting the assessment district, and the place where the 30724
plans, specifications, estimate of cost, and tentative assessment 30725
are on file and may be examined. Each mailed notice also shall 30726
include a statement that the property of the addressee will be 30727
assessed for the improvement. The notice also shall be sent by 30728
first class or certified mail, on or before the date of the second 30729
publication, to the clerk, or to the official discharging the 30730
duties of a clerk, of any municipal corporation any part of which 30731
lies within the assessment district and shall state whether or not 30732
any property belonging to the municipal corporation is to be 30733
assessed and, if so, shall identify that property. 30734

At the hearing, or at any adjournment of the hearing, of 30735
which no further published or mailed notice need be given, the 30736
board shall hear all parties whose properties are proposed to be 30737
assessed. Written objections to or endorsements of the proposed 30738
improvement, its character and termini, the boundaries of the 30739
assessment district, or the tentative assessment shall be received 30740
by the board for a period of five days after the completion of the 30741
hearing, and no action shall be taken by the board in the matter 30742
until after that period has elapsed. The minutes of the hearing 30743
shall be entered on the journal of the board, showing the persons 30744
who appear in person or by attorney, and all written objections 30745
shall be preserved and filed in the office of the board. 30746

Sec. 6117.25. (A) The board of county commissioners may pay 30747
the whole or any part of the cost of constructing, maintaining, 30748
repairing, or operating any improvement provided for in this 30749
chapter, including the payment of a county sanitary engineer and 30750
~~his~~ the sanitary engineer's assistants and other necessary 30751
expenses. Insofar as such expenses relate to the construction of a 30752
permanent improvement, they may be considered as part of the cost 30753
of such improvement and bonds may be issued therefor. ~~Bonds~~ 30754

(B) Bonds and notes in anticipation thereof, including bonds 30755
issued in anticipation of the collection of assessments deferred 30756
pursuant to sections 6117.061 and 6117.33 of the Revised Code, may 30757
be issued by the board pursuant to Chapter 133. of the Revised 30758
Code, to finance any such improvement⁺, provided that where a 30759
separate issue of bonds is issued in anticipation of the 30760
collection of deferred assessments, the first principal maturity 30761
of such bonds may be not later than five years from the date of 30762
such bonds. Bonds issued in anticipation of the collection of 30763
assessments deferred pursuant to sections 6117.061 and 6117.33 of 30764
the Revised Code and notes issued in anticipation of such bonds 30765
shall be considered for all purposes under this chapter and 30766
Chapter 133. of the Revised Code as being bonds or notes issued in 30767
anticipation of the levy or collection of special assessments. 30768

(C) Bonds may be issued by the board under Chapter 165. of 30769
the Revised Code to finance such improvements payable solely from 30770
revenues generated by the improvements. 30771

Sec. 6117.251. (A) After the establishment of any county 30772
sewer district, the board of county commissioners may determine by 30773
resolution that it is necessary to provide sanitary or drainage 30774
facility improvements or prevention or replacement facility 30775
improvements and to maintain and operate the improvements within 30776
the district or a designated portion of the district, that the 30777
improvements, which shall be generally described in the 30778
resolution, shall be constructed, that funds are required to pay 30779
the preliminary costs of the improvements to be incurred prior to 30780
the commencement of the proceedings for their construction, and 30781
that those funds shall be provided in accordance with this 30782
section. 30783

(B) Prior to the adoption of the resolution, the board shall 30784
give notice of its pendency and of the proposed determination of 30785

the necessity of the improvements generally described in the 30786
resolution. The notice shall set forth a description of the 30787
properties to be benefited by the improvements and the time and 30788
place of a hearing of objections to and endorsements of the 30789
improvements. The notice shall be given either by publication in a 30790
newspaper of general circulation in the county once a week for two 30791
consecutive weeks, or by mailing a copy of the notice by first 30792
class or certified mail to the owners of the properties proposed 30793
to be assessed at their respective tax mailing addresses, or by 30794
both manners, the first publication to be made or the mailing to 30795
occur at least two weeks prior to the date set for the hearing. At 30796
the hearing, or at any adjournment of the hearing, of which no 30797
further published or mailed notice need be given, the board shall 30798
hear all persons whose properties are proposed to be assessed and 30799
the evidence it considers to be necessary. The board then shall 30800
determine the necessity of the proposed improvements and whether 30801
the improvements shall be made by the board and, if they are to be 30802
made, shall direct the preparation of tentative assessments upon 30803
the benefited properties and by whom they shall be prepared. 30804

(C) In order to obtain funds for the preparation of a general 30805
or revised general plan of sewerage or drainage for the district 30806
or part of the district, for the preparation of the detailed 30807
plans, specifications, estimate of cost, and tentative assessment 30808
for the proposed improvements, and for the cost of financing and 30809
legal services incident to the preparation of all of those plans 30810
and a plan of financing the proposed improvements, the board may 30811
levy upon the properties to be benefited in the district a 30812
preliminary assessment apportioned according to benefits or to tax 30813
valuation or partly by one method and partly by the other method 30814
as the board may determine. The assessments shall be in the amount 30815
determined to be necessary to obtain funds for the general and 30816
detailed plans and the cost of financing and legal services and 30817
shall be payable in the number of years that the board shall 30818

determine, not to exceed twenty years, together with interest on 30819
any public obligations that may be issued or incurred in 30820
anticipation of the collection of the assessments. 30821

(D) The board shall have power at any time to levy additional 30822
assessments according to benefits or to tax valuation or partly by 30823
one method and partly by the other method as the board may 30824
determine for the purposes described in division (C) of this 30825
section upon the benefited properties to complete the payment of 30826
the costs described in division (C) of this section or to pay the 30827
cost of any additional plans, specifications, estimate of cost, or 30828
tentative assessment and the cost of financing and legal services 30829
incident to the preparation of those plans and the plan of 30830
financing, which additional assessments shall be payable in the 30831
number of years that the board shall determine, not to exceed 30832
twenty years, together with interest on any public obligations 30833
that may be issued or incurred in anticipation of the collection 30834
of the additional assessments. 30835

(E) Prior to the adoption of a resolution levying assessments 30836
under this section, the board shall give notice either by one 30837
publication in a newspaper of general circulation in the county, 30838
or by mailing a copy of the notice by first class or certified 30839
mail to the owners of the properties proposed to be assessed at 30840
their respective tax mailing addresses, or by both manners, the 30841
publication to be made or the mailing to occur at least ten days 30842
prior to the date of the meeting at which the resolution shall be 30843
taken up for consideration; that notice shall state the time and 30844
place of the meeting at which the resolution is to be considered. 30845
At the time and place of the meeting, or at any adjournment of the 30846
meeting, of which no further published or mailed notice need be 30847
given, the board shall hear all persons whose properties are 30848
proposed to be assessed, shall correct any errors and make any 30849
revisions that appear to be necessary or just, and then may adopt 30850

a resolution levying upon the properties determined to be 30851
benefited the assessments as so corrected and revised. 30852

The assessments levied by the resolution shall be certified 30853
to the county auditor for collection in the same manner as taxes 30854
in the year or years in which they are payable. 30855

(F) Upon the adoption of the resolution described in division 30856
(E) of this section, no further action shall be taken or work done 30857
until ten days have elapsed. If, at the expiration of that period, 30858
no appeal has been effected by any property owner as provided in 30859
this division, the action of the board shall be final. If, at the 30860
end of that ten days, any owner of property to be assessed for the 30861
improvements has effected an appeal, no further action shall be 30862
taken and no work done in connection with the improvements under 30863
the resolution until the matters appealed from have been disposed 30864
of in court. 30865

Any owner of property to be assessed may appeal as provided 30866
and upon the grounds stated in sections 6117.09 to 6117.24 of the 30867
Revised Code. 30868

If no appeal has been perfected or if on appeal the 30869
resolution of the board is sustained, the board may authorize and 30870
enter into contracts to carry out the purposes for which the 30871
assessments have been levied without the prior issuance of notes, 30872
provided that the payments under those contracts do not fall due 30873
prior to the time by which the assessments are to be collected. 30874
The board may issue and sell bonds with a maximum maturity of 30875
twenty years in anticipation of the collection of the assessments 30876
and may issue notes in anticipation of the issuance of the bonds, 30877
which notes and bonds, as public obligations, shall be issued and 30878
sold as provided in Chapter 133. of the Revised Code. 30879

Sec. 6117.28. Whenever the owners of all the lots and lands 30880
to be assessed for any sanitary or drainage facility improvement 30881

or any prevention or replacement facility improvement provided for 30882
in this chapter, by petition in writing, request the board of 30883
county commissioners to provide for the acquisition or 30884
construction, maintenance, and operation of the improvement, 30885
describing the improvement and the lots and lands owned by them 30886
respectively to be assessed to pay the cost of acquisition or 30887
construction, maintenance, and operation of the improvement and 30888
consenting that their lots and lands may be assessed to pay the 30889
cost of the acquisition or construction of the improvement and of 30890
its maintenance and operation as provided in this chapter, and 30891
waive all legal notices otherwise required, the board may have the 30892
county sanitary engineer prepare, or otherwise cause to be 30893
prepared, the necessary plans, specifications, and estimate of 30894
cost of the acquisition or construction, maintenance, and 30895
operation of the improvement and a tentative assessment. When the 30896
owners state, in writing, that they have examined the estimate of 30897
cost and tentative assessment, that they have no objections to 30898
them, and that, in case bonds are proposed to be issued prior to 30899
the acquisition or construction of the improvement, they waive 30900
their right or option to pay the assessments in cash, the board 30901
may proceed as provided in this chapter to cause the improvement 30902
to be acquired or constructed and to cause provision to be made 30903
for the payment of the cost of its acquisition or construction, 30904
maintenance, and operation, except that none of the notices 30905
otherwise required by law need be given and no opportunity need be 30906
provided for the filing of objections to the improvement, its 30907
character and termini, the boundaries of the assessment district, 30908
or the tentative assessment or, if bonds are issued prior to the 30909
acquisition or construction of the improvement, for paying the 30910
assessments in cash. The board may proceed to issue or incur 30911
public obligations in the required amount, complete the 30912
acquisition or construction of the improvement, and levy and 30913
collect the assessments authorized by this chapter. No person or 30914

public agency shall have the right to appeal from any decision or 30915
action of the board in the matter except refusal by the board to 30916
proceed with the improvement. 30917

The tentative assessment provided for in this section shall 30918
be for the information of property owners and shall not be levied 30919
or certified to the county auditor for collection. On completion 30920
of the improvement, its cost shall be determined, and the county 30921
sanitary engineer shall prepare, or otherwise cause to be 30922
prepared, a revised assessment based on the actual cost and in 30923
substantially the same proportion as the tentative assessment. The 30924
board shall confirm and levy the revised assessment and certify it 30925
to the county auditor for collection. 30926

Sec. 6117.30. The cost of the acquisition or construction of 30927
sanitary or drainage facilities or prevention or replacement 30928
facilities to be paid by assessments shall be assessed, as an 30929
assessment district assessment, upon all the property within the 30930
county sewer district found to be benefited in accordance with the 30931
special benefits conferred, less any part of the cost that is paid 30932
by the county at large from other available funds. State land so 30933
benefited shall bear its portion of the assessed cost. 30934

Sec. 6117.34. Whenever the legislative authority or board of 30935
health, or the officers performing the duties of the legislative 30936
authority or board of health, of a municipal corporation, the 30937
board of health of a general health district, or a board of 30938
township trustees makes complaint, in writing, to the 30939
environmental protection agency that unsanitary conditions exist 30940
in any county, the agency's director forthwith shall inquire into 30941
and investigate the conditions complained of. If, upon 30942
investigation of the complaint, the director finds that it is 30943
necessary for the public health and welfare that sanitary or 30944
drainage facilities or prevention or replacement facilities be 30945

acquired or constructed, maintained, and operated to serve any 30946
territory outside municipal corporations in any county, the 30947
director shall notify the board of county commissioners of the 30948
county of that finding and order that corrective action be taken. 30949
The board shall obey the order and proceed as provided in this 30950
chapter to establish a county sewer district, if required, to 30951
provide the necessary funds, to acquire or construct the 30952
facilities, and to maintain and operate the facilities, as 30953
required by the order and in a manner that is satisfactory to the 30954
director. Any part or all of the cost of the facilities or of the 30955
maintenance and operation of the facilities may be assessed upon 30956
the benefited properties as provided in this chapter. 30957

Sec. 6117.38. (A) At any time after the formation of any 30958
county sewer district, the board of county commissioners, when it 30959
considers it appropriate, on application by a person or public 30960
agency for the provision of sewerage or drainage to properties of 30961
the person or public agency located outside of the district, may 30962
contract with the person or public agency for depositing sewage or 30963
drainage from those properties in facilities acquired or 30964
constructed or to be acquired or constructed by the county to 30965
serve the district and for the treatment, disposal, and 30966
disposition of the sewage or drainage, on terms that the board 30967
considers equitable. The amount to be paid by the person or public 30968
agency to reimburse the county for costs of acquiring or 30969
constructing those facilities shall not be less than the original 30970
or comparable assessment for similar property within the district 30971
or, in the absence of an original or comparable assessment, an 30972
amount that is found by the board to be reasonable and fairly 30973
reflective of that portion of the cost of those facilities 30974
attributable to the properties to be served. The board shall 30975
appropriate any moneys received for that service to and for the 30976
use and benefit of the district. The board may collect the amount 30977

to be paid by the person or public agency in full, in cash or in 30978
installments as a part of a connection charge to be collected in 30979
accordance with division (B) or (D) of section 6117.02 of the 30980
Revised Code, or if the properties to be served are located within 30981
the county, the same amount may be assessed against those 30982
properties, and, in that event, the manner of making the 30983
assessment, together with the notice of it, shall be as provided 30984
in this chapter. 30985

(B) Whenever sanitary or drainage facilities or prevention or 30986
replacement facilities have been acquired or constructed by, and 30987
at the expense of, a person or public agency and the board 30988
considers it appropriate to acquire the facilities or any part of 30989
them for the purpose of providing sewerage or drainage service to 30990
territory within a sewer district, the county sanitary engineer, 30991
at the direction of the board, shall examine the facilities. If 30992
the county sanitary engineer finds the facilities properly 30993
designed and constructed, the county sanitary engineer shall 30994
certify that fact to the board. The board may determine to 30995
purchase the facilities or any part of them at a cost that, after 30996
consultation with the county sanitary engineer, it finds to be 30997
reasonable. 30998

Subject to and in accordance with this division and division 30999
(B) or divisions (C), (D), and (E) of section 6117.06 of the 31000
Revised Code, the board may purchase the facilities or any part of 31001
them by negotiation. For the purpose of paying the cost of their 31002
acquisition, the board may issue or incur public obligations and 31003
assess the entire cost, or a lesser designated part of the cost, 31004
of their acquisition against the benefited properties in the 31005
manner provided in this chapter for the construction of original 31006
or comparable facilities. 31007

Sec. 6117.41. At any time after the formation of any county 31008

sewer district, the board of county commissioners may enter into a contract, upon the terms and for the period of time that are mutually agreed upon, with any other public agency to prepare all necessary plans and estimates of cost and to acquire or construct any sanitary or drainage facilities or any prevention or replacement facilities that are to be used jointly by the contracting parties, and to provide for the maintenance, operation, and joint use by the contracting parties of those facilities or the maintenance, operation, and joint use of any suitable existing sanitary or drainage facilities or prevention or replacement facilities belonging to either of the contracting parties.

Sec. 6117.42. All contracts under section 6117.41 of the Revised Code shall provide for the payment of compensation to the county or other public agency owning, acquiring, or constructing, or agreeing to acquire or construct, the sanitary or drainage facilities or prevention or replacement facilities to be jointly used in an amount agreed upon as the other party's share of the cost of acquiring or constructing the facilities. The contract also shall provide for payment of compensation to the county or other public agency owning, acquiring, or constructing the facilities and operating and maintaining them in an amount agreed upon as the other party's share of the cost of operating and maintaining them or, in lieu of all other or differing payments, and agreed price per unit of flow. A county or other public agency owning, acquiring, or constructing, or agreeing to acquire or construct, any of the facilities and agreeing to their use by another public agency shall retain full control and management of the acquisition, construction, maintenance, and operation of the facilities, unless otherwise provided in the contract and except, in the case of a county, when conveyed to a municipal corporation as provided in division (B) of section 6117.05 of the Revised

Code. 31041

Sec. 6117.43. A county or other public agency contracting as 31042
provided in sections 6117.41 and 6117.42 of the Revised Code for 31043
the joint use of any sanitary or drainage facilities or any 31044
prevention or replacement facilities acquired or constructed, or 31045
to be acquired or constructed, by another public agency may 31046
provide for payment of the agreed compensation by the levy of 31047
taxes or special assessments or from sanitary sewer or drainage 31048
rates and charges, if and to the extent that the public agency is 31049
authorized by the laws governing it in the acquisition, 31050
construction, maintenance, or operation of the facilities to 31051
provide for payment of the costs in respect of which the 31052
compensation is due from those sources, and may issue or incur 31053
public obligations as provided by those laws and pay the debt 31054
charges on those obligations from those sources if and to the 31055
extent so authorized. 31056

Sec. 6117.44. A county or other public agency receiving the 31057
compensation provided for in section 6117.42 of the Revised Code 31058
shall credit the amount so received to the proper fund to be used 31059
for the acquisition, construction, or operation and maintenance, 31060
as the case may be, of the sanitary or drainage facilities or the 31061
prevention or replacement facilities or for other authorized 31062
purposes. 31063

Sec. 6117.45. No person or public agency shall tamper with or 31064
damage any sanitary or drainage facility or any prevention or 31065
replacement facility acquired or constructed by a county under 31066
this chapter or any apparatus or accessory connected with it or 31067
pertaining to it, or make any connection into or with the 31068
facility, without the permission of the board of county 31069
commissioners or in a manner or for a use other than as prescribed 31070

by the board. No person or public agency shall refuse to permit 31071
the inspection by the county sanitary engineer of any such 31072
connection. No person or public agency shall violate any other 31073
provision of this chapter. 31074

All fines collected under section 6117.99 of the Revised Code 31075
shall be paid to the county treasurer and credited to the fund 31076
that the board determines to be most appropriate after 31077
consideration of the nature and extent of the particular 31078
violations. 31079

Sec. 6117.49. (A) If the board of county commissioners 31080
determines by resolution that the best interests of the county and 31081
those served by the sanitary or drainage facilities or the 31082
prevention or replacement facilities of a county sewer district so 31083
require, the board may sell or otherwise dispose of the facilities 31084
to another public agency or a person. The resolution declaring the 31085
necessity of that disposition shall recite the reasons for the 31086
sale or other disposition and shall establish any conditions or 31087
terms that the board may impose, including, but not limited to, a 31088
minimum sales price if a sale is proposed, a requirement for the 31089
submission by bidders of the schedule of rates and charges 31090
initially proposed to be paid for the services of the facilities, 31091
and other pertinent conditions or terms relating to the sale or 31092
other disposition. The resolution also shall designate a time and 31093
place for the hearing of objections to the sale or other 31094
disposition by the board. Notice of the adoption of the resolution 31095
and the time and place of the hearing shall be published once a 31096
week for two consecutive weeks in a newspaper of general 31097
circulation in the sewer district and in the county. The public 31098
hearing on the sale or other disposition shall be held not less 31099
than twenty-four days following the date of first publication of 31100
the notice. A copy of the notice also shall be sent by first class 31101
or certified mail, on or before the date of the second 31102

publication, to any public agency within the area served by the 31103
facilities. At the public hearing, or at any adjournment of it, of 31104
which no further published or mailed notice need be given, the 31105
board shall hear all interested parties. A period of five days 31106
shall be given following the completion of the hearing for the 31107
filing of written objections by any interested persons or public 31108
agencies to the sale or other disposition, after which the board 31109
shall consider any objections and by resolution determine whether 31110
or not to proceed with the sale or other disposition. If the board 31111
determines to proceed with the sale or other disposition, it shall 31112
receive bids after advertising once a week for four consecutive 31113
weeks in a newspaper of general circulation in the county and, 31114
subject to the right of the board to reject any or all bids, may 31115
make an award to a responsible bidder whose proposal is determined 31116
by the board to be in the best interests of the county and those 31117
served by the facilities. 31118

(B) A conveyance of sanitary or drainage facilities or of 31119
prevention or replacement facilities by a county to a municipal 31120
corporation in accordance with division (B) of section 6117.05 of 31121
the Revised Code may be made without regard to division (A) of 31122
this section. 31123

Sec. 6121.045. With respect to a loan made under this 31124
chapter, the Ohio water development authority shall not charge any 31125
fees or fines in excess of the principal amount of the loan. 31126

Sec. 6123.042. With respect to a loan made under this 31127
chapter, the Ohio water development authority shall not charge any 31128
fees or fines in excess of the principal amount of the loan. 31129

Section 101.02. That existing sections 9.231, 9.24, 9.835, 31130
105.41, 113.061, 113.40, 117.13, 117.38, 120.08, 121.31, 122.171, 31131
125.02, 125.021, 125.022, 125.04, 125.041, 125.05, 125.06, 125.07, 31132

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3734.821, 3735.67, 3743.02, 3743.04, 3743.15, 3743.17, 3743.19, 31152
3743.25, 3743.40, 3743.44, 3743.45, 3743.54, 3743.56, 3743.65, 31153
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4112.12, 4117.14, 4117.15, 4123.26, 4123.32, 4123.37, 4123.54, 31155
4131.03, 4141.31, 4141.312, 4301.355, 4301.421, 4301.424, 4301.62, 31156
4303.182, 4510.10, 4511.01, 4511.101, 4511.181, 4511.191, 4731.65, 31157
4731.71, 4735.01, 4735.02, 4735.10, 4735.13, 4735.14, 4735.141, 31158
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 6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 31172
 6117.42, 6117.43, 6117.44, 6117.45, and 6117.49 of the Revised 31173
 Code are hereby repealed. 31174
 31175
 31176

Section 105.01. That sections 124.821, 3314.086, 3317.161, 31177
 3353.23, 3353.24, 3353.25, 3353.30, 5111.88, 5111.881, 5111.882, 31178
 5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 31179
 5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 31180
 5111.8815, 5111.8816, 5111.8817, 5112.311, and 5739.213 of the 31181
 Revised Code are hereby repealed. 31182

Section 201.10. The items set forth in this section are 31183
 hereby appropriated out of any moneys in the state treasury to the 31184
 credit of the Nursing Home - Federal Fund (Fund 3190) that are not 31185
 otherwise appropriated. 31186

		Appropriations	
OVH OHIO VETERANS' HOME AGENCY			31187
C43019	G-Life Safety & Security	\$ 310,700	31188
C43020	G-Critical Power & Grounds	\$ 510,250	31189
C43021	S-S/G Tub Room & Nurse Call	\$ 1,856,712	31190
C43022	S-G Renovate Giffin First Floor	\$ 418,015	31191
C43023	S-S/G Floor Replacement	\$ 579,270	31192
C43024	S-S. VH HVAC Upgrade	\$ 1,362,936	31193

C43025	S-Network Infrastructure	\$	488,807	31194
C43026	G-HVAC Controls Upgrade	\$	357,500	31195
Total Ohio Veterans' Home Agency		\$	5,884,190	31196
TOTAL Nursing Home - Federal Fund		\$	5,884,190	31197

Section 203.10. The items set forth in this section are 31199
 hereby appropriated out of any moneys in the state treasury to the 31200
 credit of the Army National Guard Service Contract Fund (Fund 31201
 3420) that are not otherwise appropriated. 31202

Appropriations

ADJ ADJUTANT GENERAL 31203

C74519	Energy Conservation - Federal Share	\$	107,792	31204
Total Adjutant General		\$	107,792	31205
TOTAL Army National Guard Service Contract Fund		\$	107,792	31206

Section 205.10. The items set forth in this section are 31208
 hereby appropriated out of any moneys in the state treasury to the 31209
 credit of the Special Administrative Fund (Fund 4A90) that are not 31210
 otherwise appropriated. 31211

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 31212

C60000	Various Renovations - Local Offices	\$	537,869	31213
C60001	145 South Front Renovation	\$	6,500,000	31214
Total Department of Job and Family Services		\$	7,037,869	31215
TOTAL Special Administrative Fund		\$	7,037,869	31216

Section 207.10. The items set forth in this section are 31218
 hereby appropriated out of any moneys in the state treasury to the 31219
 credit of the State Fire Marshal Fund (Fund 5460) that are not 31220
 otherwise appropriated. 31221

Appropriations

COM DEPARTMENT OF COMMERCE 31222

C80002	MARCS Radios	\$	50,000	31223
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C80010	Security Enhancements	\$	200,000	31224
C80011	Gas Line Replacement	\$	80,000	31225
C80012	Roof Replacement Main & Training	\$	800,000	31226
C80013	ADAMS Data Imaging System	\$	35,000	31227
C80014	Mobile Fire Behavior Lab	\$	75,000	31228
C80015	Gas Chromatograph/Mass Spec	\$	90,000	31229
C80016	Search & Rescue Training Module	\$	70,000	31230
C80017	Fiber-optic Installation with AGR	\$	200,000	31231
Total Department of Commerce		\$	1,600,000	31232
TOTAL State Fire Marshal Fund		\$	1,600,000	31233

Section 209.10. The items set forth in this section are 31235
hereby appropriated out of any moneys in the state treasury to the 31236
credit of the Veterans' Home Improvement Fund (Fund 6040) that are 31237
not otherwise appropriated. 31238

Appropriations

OVH OHIO VETERANS' HOME AGENCY				31239
C43027	G-Life Safety & Security	\$	167,300	31240
C43028	G-Critical Power & Grounds	\$	274,750	31241
C43029	S-S/G Tub Room & Nurse Call	\$	999,768	31242
C43030	S-G Renovate Giffin First Floor	\$	225,085	31243
C43031	S-S/G Floor Replacement	\$	311,915	31244
C43032	S-S. VH HVAC Upgrade	\$	733,889	31245
C43033	S-Network Infrastructure	\$	263,204	31246
C43034	G-HVAC Controls Upgrade	\$	192,500	31247
C43035	S-Replace Wanderguard System	\$	261,000	31248
Total Ohio Veterans' Home Agency		\$	3,429,411	31249
TOTAL Veterans' Home Improvement Fund		\$	3,429,411	31250

Section 211.10. The items set forth in this section are 31252
hereby appropriated out of any moneys in the state treasury to the 31253
credit of the Highway Safety Fund (Fund 7036) that are not 31254
otherwise appropriated. 31255

		Appropriations	
	DPS DEPARTMENT OF PUBLIC SAFETY		31256
C76021	Academy Maintenance and Repair	\$ 1,696,345	31257
	Total Department of Public Safety	\$ 1,696,345	31258
	TOTAL Highway Safety Fund	\$ 1,696,345	31259

Section 213.10. The items set forth in this section are 31261
 hereby appropriated out of any moneys in the state treasury to the 31262
 credit of the State Capital Improvements Revolving Loan Fund (Fund 31263
 7040). Revenues to the State Capital Improvements Revolving Loan 31264
 Fund shall consist of all repayments of loans made to local 31265
 subdivisions for capital improvements, investment earnings on 31266
 moneys in the fund, and moneys obtained from federal or private 31267
 grants or from other sources for the purpose of making loans for 31268
 the purpose of financing or assisting in the financing of the cost 31269
 of capital improvement projects of local subdivisions. 31270

		Appropriations	
	PWC PUBLIC WORKS COMMISSION		31271
C15030	Revolving Loan	\$ 39,500,000	31272
	Total Public Works Commission	\$ 39,500,000	31273
	TOTAL State Capital Improvements Revolving Loan 31274 Fund	\$ 39,500,000	

The foregoing appropriation item C15030, Revolving Loan, 31275
 shall be used in accordance with sections 164.01 to 164.12 of the 31276
 Revised Code. 31277

If the Public Works Commission receives refunds due to 31278
 project overpayments that are discovered during a post-project 31279
 audit, the Director of the Public Works Commission may certify to 31280
 the Director of Budget and Management that refunds have been 31281
 received. In certifying the refunds, the Director of the Public 31282
 Works Commission shall provide the Director of Budget and 31283
 Management information on the project refunds. The certification 31284
 shall detail by project the source and amount of project 31285

overpayments received and include any supporting documentation 31286
required or requested by the Director of Budget and Management. 31287
Upon receipt of the certification, the Director of Budget and 31288
Management shall determine if the project refunds are necessary to 31289
support existing appropriations. If the project refunds are 31290
available to support additional appropriations, these amounts are 31291
hereby appropriated to appropriation item C15030, Revolving Loan. 31292

Section 215.10. The items set forth in this section are 31293
hereby appropriated out of any moneys in the state treasury to the 31294
credit of the Waterways Safety Fund (Fund 7086) that are not 31295
otherwise appropriated. 31296

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 31297
C725A7 Cooperative Grant Funding for Boating \$ 9,300,000 31298
Facilities
C725N9 Operations Facilities Development - \$ 2,350,000 31299
Sandusky Watercraft Office Construction
Total Department of Natural Resources \$ 11,650,000 31300
TOTAL Waterways Safety Fund \$ 11,650,000 31301

Section 217.10. The items set forth in this section are 31303
hereby appropriated out of any moneys in the state treasury to the 31304
credit of the Clean Ohio Revitalization Fund (Fund 7003) that are 31305
not otherwise appropriated: 31306

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 31307
C19500 Clean Ohio Revitalization \$ 32,000,000 31308
C19501 Clean Ohio Assistance \$ 8,000,000 31309
Total Department of Development \$ 40,000,000 31310
TOTAL Clean Ohio Assistance Fund \$ 40,000,000 31311

Section 217.11. CLEAN OHIO REVITALIZATION 31313

The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2o of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.40 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$40,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Clean Ohio Revitalization Fund (Fund 7003) to pay costs of revitalization projects.

Section 219.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Job Ready Site Development Fund (Fund 7012) that are not otherwise appropriated:

	Appropriations	
DEV DEPARTMENT OF DEVELOPMENT		31329
C19502 Job Ready Sites	\$ 30,000,000	31330
Total Department of Development	\$ 30,000,000	31331
TOTAL Job Ready Site Development Fund	\$ 30,000,000	31332

Section 219.11. JOB READY SITE DEVELOPMENT 31334

The Ohio Public Facilities Commission, upon request of the Department of Development, is hereby authorized to issue and sell, in accordance with Section 2p of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.11 of the Revised Code, original obligations of the State of Ohio in an aggregate amount not to exceed \$30,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to

the credit of the Job Ready Site Development Fund (Fund 7012) to 31345
pay costs of sites and facilities. 31346

Section 221.10. The items set forth in the sections of this 31347
act prefixed with the section number "221" are hereby appropriated 31348
out of any moneys in the state treasury to the credit of the 31349
Administrative Building Fund (Fund 7026) that are not otherwise 31350
appropriated. 31351

Appropriations

Section 221.10.10. ADJ ADJUTANT GENERAL			31352
C74502	Roof Replacement - Various Facilities	\$ 583,874	31353
C74503	Electrical Systems - Various Facilities	\$ 348,079	31354
C74504	Camp Perry Facility/Infrastructure Improvements	\$ 500,000	31355
C74505	Replace Windows and Doors - Various Facilities	\$ 341,342	31356
C74506	Plumbing Renovations - Various Facilities	\$ 523,241	31357
C74507	Paving Renovations - Various Facilities	\$ 527,733	31358
C74508	HVAC Systems - Various Facilities	\$ 1,387,939	31359
C74510	Masonry Renovations - Various Facilities	\$ 180,000	31360
C74526	Energy Conservation - Various Facilities	\$ 107,792	31361
C74527	Mansfield Lahm Air National Guard Facility	\$ 200,000	31362
C74528	Camp Perry Improvements	\$ 1,000,000	31363
C74531	Rickenbacker Radar Project	\$ 1,125,000	31364
Total Adjutant General		\$ 6,825,000	31365

Appropriations

Section 221.10.20. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			31367
C10010	Surface Road Building Renovations	\$ 400,000	31368

C10013	Energy Conservation Projects	\$	2,100,000	31369
C10015	SOCC Renovations	\$	5,000,000	31370
C10020	North High Street Complex Renovations	\$	12,500,000	31371
C10030	Broadband Ohio	\$	5,000,000	31372
C10031	Operations Facilities Improvements	\$	2,800,000	31373
C10032	Columbus Downtown Development - Sky Bridge Project	\$	2,500,000	31374
Total Department of Administrative Services		\$	30,300,000	31375

Appropriations

Section 221.10.30. AGR DEPARTMENT OF AGRICULTURE 31377

C70007	Building and Grounds Renovation	\$	650,000	31378
C70014	Grounds Security and Emergency Power	\$	200,000	31379
C70015	Fiber Installation for Infrastructure ODA/SFM	\$	200,000	31380
C70016	ODA/SFM Shared Driveway/Entrance	\$	50,000	31381
C70017	Raze Building #2	\$	265,000	31382
Total Department of Agriculture		\$	1,365,000	31383

Appropriations

Section 221.10.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY 31385

BOARD				31386
C87406	Grounds Improvement	\$	221,000	31387
C87407	Sound and Lighting Systems	\$	145,000	31388
C87408	HVAC Improvement	\$	628,381	31389
C87412	Security and Safety Upgrades	\$	337,000	31390
C87413	Education Center	\$	540,367	31391
C87414	CSRAB Warehouse	\$	450,000	31392
C87415	Interior Repairs and Replacements	\$	186,000	31393
Total Capitol Square Review and Advisory Board		\$	2,507,748	31394

Appropriations

Section 221.10.50. EXP EXPOSITIONS COMMISSION 31396

C72300	Electric Upgrade	\$	2,100,000	31397
C72303	Building Renovations and Repairs	\$	11,900,000	31398
C72312	Emergency Renovations and Equipment Replacement	\$	1,000,000	31399
C72315	North Parking Lot Improvements and Paving	\$	5,000,000	31400
Total Expositions Commission		\$	20,000,000	31401

Appropriations

Section 221.10.60. LIB STATE LIBRARY BOARD 31403

C35001	OPLIN Router Replacement Project	\$	200,000	31404
Total State Library Board		\$	200,000	31405

Appropriations

Section 221.10.70. DNR DEPARTMENT OF NATURAL RESOURCES 31407

C725D5	Fountain Square Building and Telephone System Improvements	\$	1,000,000	31408
C725D7	MARCS	\$	425,000	31409
C725E0	DNR Fairgrounds Area - General Upgrading - Fairgrounds Site Improvements	\$	500,000	31410
C725N7	Operations Facilities Development	\$	300,000	31411
Total Department of Natural Resources		\$	2,225,000	31412

Appropriations

Section 221.10.80. DPS DEPARTMENT OF PUBLIC SAFETY 31414

C76017	Replacement Mission Critical Building System	\$	725,250	31415
C76022	American Red Cross Facility - Cincinnati	\$	1,000,000	31416
C76023	Red Cross Muskingum Lakes Chapter	\$	500,000	31417
C76024	American Red Cross Facility - Tuscarawas	\$	250,000	31418
C76025	Family Services of Cincinnati	\$	50,000	31419
C76026	Tallmadge Shooting Range	\$	500,000	31420
C76027	Southeast Ohio Emergency Responder	\$	25,000	31421

Facility

Total Department of Public Safety \$ 3,050,250 31422

Appropriations

Section 221.10.90. OSB SCHOOL FOR THE BLIND 31424

C22618 Front Entry Renovations \$ 112,500 31425

C22619 Public Address System Replacement \$ 77,000 31426

C22620 School HVAC Renovation \$ 215,000 31427

C22621 Renovations to Cottage C1 \$ 125,000 31428

C22622 Track Shelter \$ 45,000 31429

Total School for the Blind \$ 574,500 31430

Appropriations

Section 221.20.10. OSD SCHOOL FOR THE DEAF 31432

C22108 High School Window Replacement \$ 123,000 31433

C22109 High School HVAC \$ 117,500 31434

C22110 Gymnasium Floor & Lighting \$ 237,000 31435

C22111 Staff Building Windows and Repairs \$ 97,000 31436

C22112 Alumni Park Preservation \$ 62,500 31437

Total School for the Deaf \$ 637,000 31438

Appropriations

Section 221.20.20. DOT DEPARTMENT OF TRANSPORTATION 31439

C77701 Chillicothe Transit Facility - District \$ 550,000 31440

9

Total Department of Transportation \$ 550,000 31441

TOTAL Administrative Building Fund \$ 68,234,498 31442

Section 221.20.30. The Ohio Building Authority is hereby 31444
authorized to issue and sell, in accordance with Section 2i of 31445
Article VIII, Ohio Constitution, and Chapter 152. and other 31446
applicable sections of the Revised Code, original obligations in 31447
an aggregate principal amount not to exceed \$48,000,000 in 31448
addition to the original issuance of obligations heretofore 31449

authorized by prior acts of the General Assembly. These authorized 31450
obligations shall be issued, subject to applicable constitutional 31451
and statutory limitations, to pay costs associated with previously 31452
authorized capital facilities and the capital facilities referred 31453
to in Sections 221.10.10 to 221.20.10 of this act. 31454

Section 222.10. DEBT SERVICE PAYMENTS TO THE OHIO BUILDING 31455
AUTHORITY 31456

The Ohio Building Authority shall bill the Capitol Square 31457
Review and Advisory Board, either annually or semiannually, an 31458
amount equal to the debt service charges relating to \$450,000 in 31459
additional appropriation authority for the purchase and 31460
improvement of a warehouse in which to store items of the Capitol 31461
Collection Trust and, whenever necessary, equipment or other 31462
property of the Board. The total amount billed each fiscal year 31463
shall not exceed \$50,000. The Capitol Square Review and Advisory 31464
Board shall pay such billed amounts from state underground parking 31465
garage fees, receipts, and revenues. 31466

Section 223.10. The items set forth in this section are 31467
hereby appropriated out of any moneys in the state treasury to the 31468
credit of the Adult Correctional Building Fund (Fund 7027) that 31469
are not otherwise appropriated. 31470

Appropriations

	DRC DEPARTMENT OF REHABILITATION AND CORRECTION			31471
	STATEWIDE AND CENTRAL OFFICE PROJECTS			31472
C50101	Community Based Correctional Facilities	\$	1,600,000	31473
C50103	Asbestos Abatement - SW	\$	1,000,000	31474
C50104	Power House/Utility Improvements - SW	\$	1,400,000	31475
C50105	Water System/Plant Improvements - SW	\$	6,000,000	31476
C50110	Security Improvements - SW	\$	10,434,897	31477
C50136	General Building Renovations - SW	\$	42,665,103	31478

C50175	Mandown Alert Communication - SW	\$	4,800,000	31479
C501B3	Electrical System Upgrade - SW	\$	4,100,000	31480
Total Statewide and Central Office Projects		\$	72,000,000	31481
TOTAL Department of Rehabilitation and Correction		\$	72,000,000	31482
TOTAL Adult Correctional Building Fund		\$	72,000,000	31483

Section 223.11. The Ohio Building Authority is hereby 31485
authorized to issue and sell, in accordance with Section 2i of 31486
Article VIII, Ohio Constitution, and Chapter 152. and section 31487
307.021 of the Revised Code, original obligations in an aggregate 31488
principal amount not to exceed \$62,000,000 in addition to the 31489
original issuance of obligations heretofore authorized by prior 31490
acts of the General Assembly. These authorized obligations shall 31491
be issued, subject to applicable constitutional and statutory 31492
limitations, to pay costs associated with previously authorized 31493
capital facilities and the capital facilities referred to in 31494
Section 223.10 of this act for the Department of Rehabilitation 31495
and Correction. 31496

Section 225.10. The items set forth in this section are 31497
hereby appropriated out of any moneys in the state treasury to the 31498
credit of the Juvenile Correctional Building Fund (Fund 7028) that 31499
are not otherwise appropriated. 31500

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES			31501	
C47001	Fire Suppression, Safety and Security	\$	4,036,125	31502
C47002	General Institutional Renovations	\$	4,424,725	31503
C47003	CCF Renovations/Maintenance	\$	2,000,000	31504
C47007	Juvenile Detention Centers	\$	4,980,000	31505
C47016	Shower Renovation - SJCF	\$	1,642,000	31506
C47017	Roof Replacement - SJCF	\$	1,508,650	31507
C47018	Educational Annex - CHJCF	\$	1,408,500	31508
C47019	Lawrence County Youth Facility	\$	500,000	31509

Relocation

Total Department of Youth Services	\$	20,500,000	31510
TOTAL Juvenile Correctional Building Fund	\$	20,500,000	31511

Section 225.11. The Ohio Building Authority is hereby 31513
authorized to issue and sell, in accordance with Section 2i of 31514
Article VIII, Ohio Constitution, and Chapter 152. and other 31515
applicable sections of the Revised Code, original obligations in 31516
an aggregate principal amount not to exceed \$19,000,000 in 31517
addition to the original issuance of obligations heretofore 31518
authorized by prior acts of the General Assembly. These authorized 31519
obligations shall be issued, subject to applicable constitutional 31520
and statutory limitations, to pay the costs associated with 31521
previously authorized capital facilities and the capital 31522
facilities referred to in Section 225.10 of this act for the 31523
Department of Youth Services. 31524

Section 227.10. The items set forth in this section are 31525
hereby appropriated out of any moneys in the state treasury to the 31526
credit of the Cultural and Sports Facilities Building Fund (Fund 31527
7030) that are not otherwise appropriated. 31528

Appropriations

AFC CULTURAL FACILITIES COMMISSION			31529
C37118	Statewide Site Repairs	\$	650,000 31530
C37120	Cincinnati Museum Center	\$	2,500,000 31531
C37122	Akron Art Museum	\$	700,000 31532
C37123	Youngstown Symphony Orchestra	\$	675,000 31533
C37127	Cedar Bog	\$	50,000 31534
C37139	Stan Hywet Hall & Gardens	\$	1,050,000 31535
C37140	McKinley Museum Improvements	\$	200,000 31536
C37142	Midland Theatre Improvements	\$	300,000 31537
C37148	Hayes Presidential Center	\$	150,000 31538
C37152	Zoar Village Building Restoration	\$	90,000 31539

C37153	Basic Renovations and Emergency Repairs	\$	850,000	31540
C37158	Rankin House Restoration and Development	\$	242,000	31541
C37163	Harding Home and Tomb	\$	340,000	31542
C37165	Ohio Historical Center Rehabilitation	\$	514,000	31543
C37187	Renaissance Theatre	\$	900,000	31544
C37188	Trumpet in the Land Facility	\$	150,000	31545
C371A3	Voice of America Museum Facility	\$	500,000	31546
C371A9	Western Reserve Historical Society	\$	300,000	31547
C371C7	Music Hall Facility	\$	1,100,000	31548
C371E5	Pro Football Hall of Fame	\$	500,000	31549
C371F6	Colony Theater	\$	250,000	31550
C371G4	Collections Storage Facility and Learning Center	\$	1,240,000	31551
C371G6	Lockington Locks Stabilization	\$	462,000	31552
C371H2	National Underground Railroad Freedom Center	\$	850,000	31553
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	31554
C371H7	COSI - Columbus	\$	500,000	31555
C371H8	Columbus Museum of Art	\$	1,500,000	31556
C371J3	Davis-Shai Historical Facility	\$	725,000	31557
C371J4	Massillon Museum Improvements	\$	150,000	31558
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	31559
C371J9	Stambaugh Auditorium	\$	675,000	31560
C371K3	Cincinnati Ballet	\$	250,000	31561
C371L3	Ukrainian Museum	\$	50,000	31562
C371L4	Gordon Square Arts District	\$	1,800,000	31563
C371M8	Hale Farm and Village	\$	200,000	31564
C371O9	Historic Site-Signage - Phase II	\$	50,000	31565
C371P4	Cleveland Playhouse	\$	150,000	31566
C371P9	Civil War Site Improvements	\$	475,000	31567
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	31568

C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	31569
C371Q2	Ballpark Village project	\$	2,000,000	31570
C371Q5	Cincinnati Zoo	\$	1,500,000	31571
C371Q6	Cincinnati Art Museum	\$	1,500,000	31572
C371R0	King Arts Complex	\$	861,000	31573
C371R3	Loudonville Opera House	\$	600,000	31574
C371R4	Eagles Palace Theater	\$	600,000	31575
C371R6	Historic McCook House	\$	500,000	31576
C371R7	Jeffrey Mansion in Bexley	\$	475,000	31577
C371R8	Columbus Zoo and Aquarium	\$	500,000	31578
C371S0	Towpath Trail	\$	500,000	31579
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	31580
C371S2	Arts in Stark Cultural Center	\$	450,000	31581
C371S3	Ohio Genealogical Society	\$	350,000	31582
C371S5	The Fine Arts Association	\$	300,000	31583
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	31584
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	31585
C371S9	Portsmouth Mural	\$	250,000	31586
C371T0	Mt. Vernon - Nazarene University Arts Center	\$	300,000	31587
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	31588
C371T3	Boonshoft Museum of Discovery	\$	250,000	31589
C371T5	Cliffton Cultural Arts Center	\$	250,000	31590
C371T6	Baltimore Theatre	\$	50,000	31591
C371T7	Rock Mill Park Improvements	\$	150,000	31592
C371T9	Cozad-Bates House Historic Project	\$	100,000	31593
C371U1	Playhouse Square Center	\$	350,000	31594
C371U3	Lake Erie Nature & Science Center	\$	200,000	31595
C371U4	Great Lakes Science Center	\$	300,000	31596
C371U5	Cleveland Zoological Society	\$	150,000	31597
C371U8	Kidron Historical Society - Sonnenberg	\$	200,000	31598

	Village project			
C371V0	Chesterhill Union Hall Theatre	\$	25,000	31599
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	31600
C371V2	Hallsville Historical Society	\$	100,000	31601
C371V3	Fayette County Historical Society	\$	150,000	31602
C371V4	Covedale Theatre	\$	100,000	31603
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	31604
C371V6	Madeira Historical Society/Miller House	\$	60,000	31605
C371V7	Sylvania Historic Village restoration	\$	200,000	31606
C371V9	Henry County Historical Society museum	\$	59,000	31607
C371W0	Antwerp Railroad Depot historic building	\$	106,000	31608
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	31609
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	31610
C371W3	North Ridgeville Historic Community Theater	\$	175,000	31611
C371W4	Redbrick Center for the Arts	\$	200,000	31612
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	31613
C371W6	Preble County Historical Society Amphitheater	\$	250,000	31614
C371W7	BalletTech	\$	200,000	31615
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	31616
C371W9	Rickenbacker Boyhood Home	\$	139,000	31617
C371X0	Rivers Edge Amphitheater project	\$	100,000	31618
C371X1	Variety Theater	\$	85,000	31619
C371X2	Morgan Township Historical Society	\$	80,000	31620
C371X3	Salem Community Theater	\$	53,000	31621
C371X4	Our House State Memorial	\$	50,000	31622
C371X5	Belle's Opera House Improvements	\$	50,000	31623
C371X6	Warren Veterans memorial	\$	50,000	31624
C371X7	Huntington Playhouse	\$	40,000	31625

C371X8	Cambridge Performing Arts Center	\$	37,500	31626
C371X9	Old Harvey Historic School Restoration	\$	25,000	31627
C371Y0	Dalton Community Historical Society	\$	10,000	31628
C371Y1	Mohawk Veterans' Memorial	\$	15,000	31629
C371Y2	Cleveland Museum of Natural History	\$	150,000	31630
C371Y3	Fire Museum	\$	83,334	31631
C371Y4	New Town Indian Artifact Museum	\$	300,000	31632
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	31633
C371Y6	Historic League Park Restoration	\$	150,000	31634
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	31635
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	31636
C371Z1	Great Lakes Historical Museum	\$	200,000	31637
Total Cultural Facilities Commission		\$	43,709,834	31638
TOTAL Cultural and Sports Facilities Building Fund		\$	43,709,834	31639

Of the foregoing appropriation item C371Q5, Cincinnati Zoo, 31640
\$750,000 shall be used for the Cat Canyon/Small Cat Reproduction 31641
Center project. 31642

Section 227.11. The Treasurer of State is hereby authorized 31643
to issue and sell, in accordance with Section 2i of Article VIII, 31644
Ohio Constitution, and Chapter 154. and other applicable sections 31645
of the Revised Code, original obligations in an aggregate 31646
principal amount not to exceed \$42,000,000 in addition to the 31647
original issuance of obligations heretofore authorized by prior 31648
acts of the General Assembly. These authorized obligations shall 31649
be issued, subject to applicable constitutional and statutory 31650
limitations, to pay costs of capital facilities as defined in 31651
section 154.01 of the Revised Code, including construction as 31652
defined in division (H) of section 3383.01 of the Revised Code, of 31653
the Ohio cultural facilities designated in Section 227.10 of this 31654
act. 31655

Section 229.10. The items set forth in this section are 31656
hereby appropriated out of any moneys in the state treasury to the 31657
credit of the Ohio Parks and Natural Resources Fund (Fund 7031) 31658
that are not otherwise appropriated. 31659

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		31660
	STATEWIDE AND LOCAL PROJECTS		31661
C72512	Land Acquisition - Department	\$ 3,000,000	31662
C72549	Operations Facilities Development	\$ 1,500,000	31663
C725B7	Underground Fuel Storage Tank	\$ 750,000	31664
	Removal/Replacement - Department		
C725C0	Cap Abandoned Water Wells	\$ 50,000	31665
C725E1	NatureWorks Local Park Grants	\$ 3,800,000	31666
C725E5	Project Planning	\$ 1,100,000	31667
C725J0	Natural Areas and Preserves Maintenance	\$ 200,000	31668
	Facility Development - Springville Marsh		
	Carbon Rod Removal		
C725M0	Dam Rehabilitation - Department	\$ 10,000,000	31669
C725N1	Handicapped Accessibility - Department	\$ 250,000	31670
C725N5	Wastewater/Water Systems Upgrade -	\$ 3,000,000	31671
	Department		
C725O1	The Wilds	\$ 1,000,000	31672
C725P9	Boundary Protection	\$ 150,000	31673
C725R6	Blanchard River Flood Mitigation Efforts	\$ 3,000,000	31674
C725R7	Lake Alma Restroom and Shower Upgrades	\$ 750,000	31675
C725R8	Indian Lake Dredging	\$ 200,000	31676
C725R9	Wabash Watershed - Grand Lake St. Marys	\$ 150,000	31677
	Dredging		
C725S0	Historic Pittsburgh Marion & Chicago	\$ 145,000	31678
	Train Station Bike Trail		
C725S1	Addyston Boat Ramp	\$ 100,000	31679
C725S2	Sylvania Retaining Wall Project	\$ 200,000	31680

Total Statewide and Local Projects	\$	29,245,000	31681
Total Department of Natural Resources	\$	29,345,000	31682
TOTAL Ohio Parks and Natural Resources Fund	\$	29,345,000	31683

Of the foregoing appropriation item C72512, Land Acquisition 31684
- Department, \$2,500,000 shall be used for the acquisition of the 31685
Vinton Furnace Experimental Forest. 31686

The foregoing appropriation item C725R6, Blanchard River 31687
Flood Mitigation Efforts, shall be used in conjunction with the 31688
U.S. Army Corps of Engineers plan to address continuing flooding 31689
of the Blanchard River in Putnam, Hancock, Hardin, Wyandot, Allen, 31690
and Seneca Counties as part of the nonfederal share. 31691

Section 229.11. The Ohio Public Facilities Commission, upon 31692
the request of the Director of Natural Resources, is hereby 31693
authorized to issue and sell, in accordance with Section 21 of 31694
Article VIII, Ohio Constitution, and Chapter 151. and particularly 31695
sections 151.01 and 151.05 of the Revised Code, original 31696
obligations in an aggregate principal amount not to exceed 31697
\$28,000,000 in addition to the original issuance of obligations 31698
heretofore authorized by prior acts of the General Assembly. These 31699
authorized obligations shall be issued, subject to applicable 31700
constitutional and statutory limitations, as needed to provide 31701
sufficient moneys to the credit of the Ohio Parks and Natural 31702
Resources Fund (Fund 7031) to pay costs of capital facilities as 31703
defined in sections 151.01 and 151.05 of the Revised Code. 31704

Section 231.10. The items set forth in the sections of this 31705
act prefixed with the number "231" are hereby appropriated out of 31706
any moneys in the state treasury to the credit of the Mental 31707
Health Facilities Improvement Fund (Fund 7033) that are not 31708
otherwise appropriated. 31709

Section 231.10.10. ADA DEPARTMENT OF ALCOHOL AND DRUG			31710
ADDICTION SERVICES			31711
C03804	Rehab Center of North Central Ohio	\$ 300,000	31712
C03805	Prevention and Recovery Board - Jefferson County	\$ 300,000	31713
C03806	Lorain County Alcohol and Drug Abuse Services	\$ 250,000	31714
C03807	First Step Home	\$ 200,000	31715
C03808	Glenbeigh Extended Residential Care	\$ 500,000	31716
Total Department of Alcohol and Drug Addiction Services			\$ 1,550,000 31717

Appropriations

Section 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH			31719
C58000	Hazardous Material Abatement	\$ 500,000	31720
C58001	Community Assistance Projects	\$ 9,160,000	31721
C58006	Patient Care Environment Improvement	\$ 3,700,000	31722
C58007	Infrastructure Improvements	\$ 4,600,000	31723
C58010	Campus Consolidation	\$ 83,700,000	31724
C58017	Bellefaire Jewish Children's Bureau	\$ 400,000	31725
C58018	Safety and Security Improvements	\$ 1,460,000	31726
C58019	Energy Conservation Projects	\$ 750,000	31727
C58020	Mandel Jewish Community Center	\$ 210,000	31728
Total Department of Mental Health			\$ 104,480,000 31729
COMMUNITY ASSISTANCE PROJECTS			31730
Of the foregoing appropriation item C58001, Community Assistance Projects, \$260,000 shall be used for the Christian Children's Home, \$200,000 shall be used for the Michael's House Child Advocacy Center, \$100,000 shall be used for the Children's Home of Cincinnati, \$100,000 shall be used for the Achievement Centers for Children, \$100,000 shall be used for the Shaw JCC, \$100,000 shall be used for Someplace Safe, \$300,000 shall be used			31731 31732 31733 31734 31735 31736 31737

for the Berea Children's Home, and \$6,300,000 shall be used for 31738
the development of a crisis care center in the area previously 31739
serviced by the Dayton Campus of Twin Valley Behavioral Health 31740
Organization. 31741

Appropriations

Section 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND 31742
DEVELOPMENTAL DISABILITIES 31743

STATEWIDE AND CENTRAL OFFICE PROJECTS 31744

C59004	Community Assistance Projects	\$	13,301,537	31745
C59022	Razing of Buildings	\$	200,000	31746
C59024	Telecommunications	\$	400,000	31747
C59029	Generator Replacement	\$	1,000,000	31748
C59034	Statewide Developmental Centers	\$	4,294,237	31749
C59050	Emergency Improvements	\$	500,000	31750
C59051	Energy Conservation	\$	500,000	31751
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	31752
C59053	Magnolia Clubhouse	\$	250,000	31753
C59054	Recreation Unlimited Life Center - Delaware	\$	150,000	31754
C59055	Camp McKinley Improvements	\$	30,000	31755
C59056	The Hope Learning Center	\$	250,000	31756
C59057	North Olmstead Welcome House	\$	150,000	31757
C59058	Providence House	\$	200,000	31758
	Total Statewide and Central Office Projects	\$	21,500,774	31759
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,500,774	31760
	TOTAL Mental Health Facilities Improvement Fund	\$	127,530,774	31761

COMMUNITY ASSISTANCE PROJECTS 31762

The foregoing appropriation item C59004, Community Assistance 31763
Projects, may be used to provide community assistance funds for 31764
the development, purchase, construction, or renovation of 31765

facilities for day programs or residential programs that provide 31766
services to persons eligible for services from the Department of 31767
Mental Retardation and Developmental Disabilities or county boards 31768
of mental retardation and developmental disabilities. Any funds 31769
provided to nonprofit agencies for the construction or renovation 31770
of facilities for persons eligible for services from the 31771
Department of Mental Retardation and Developmental Disabilities 31772
and county boards of mental retardation and developmental 31773
disabilities shall be governed by the prevailing wage provisions 31774
in section 176.05 of the Revised Code. 31775

Section 231.30.10. The foregoing appropriations for the 31776
Department of Mental Health, C58001, Community Assistance 31777
Projects, and the Department of Mental Retardation and 31778
Developmental Disabilities, C59004, Community Assistance Projects, 31779
may be used for facilities constructed or to be constructed 31780
pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the 31781
Revised Code or the authority granted by section 154.20 of the 31782
Revised Code and the rules issued pursuant to those chapters and 31783
shall be distributed by the Department of Mental Health and the 31784
Department of Mental Retardation and Developmental Disabilities, 31785
all subject to Controlling Board approval. 31786

Section 231.30.20. (A) No capital improvement appropriations 31787
made in Sections 231.10.10 to 231.30.10 of this act shall be 31788
released for planning or for improvement, renovation, or 31789
construction or acquisition of capital facilities if a 31790
governmental agency, as defined in section 154.01 of the Revised 31791
Code, does not own the real property that constitutes the capital 31792
facilities or on which the capital facilities are or will be 31793
located. This restriction does not apply in any of the following 31794
circumstances: 31795

(1) The governmental agency has a long-term (at least fifteen 31796

years) lease of, or other interest (such as an easement) in, the 31797
real property. 31798

(2) In the case of an appropriation for capital facilities 31799
that, because of their unique nature or location, will be owned or 31800
be part of facilities owned by a separate nonprofit organization 31801
and made available to the governmental agency for its use or 31802
operated by the nonprofit organization under contract with the 31803
governmental agency, the nonprofit organization either owns or has 31804
a long-term (at least fifteen years) lease of the real property or 31805
other capital facility to be improved, renovated, constructed, or 31806
acquired and has entered into a joint or cooperative use 31807
agreement, approved by the Department of Mental Health or the 31808
Department of Mental Retardation and Developmental Disabilities, 31809
whichever is applicable, with the governmental agency for that 31810
agency's use of and right to use the capital facilities to be 31811
financed and, if applicable, improved, the value of such use or 31812
right to use being, as determined by the parties, reasonably 31813
related to the amount of the appropriation. 31814

(B) In the case of capital facilities referred to in division 31815
(A)(2) of this section, the joint or cooperative use agreement 31816
shall include, at a minimum, provisions that: 31817

(1) Specify the extent and nature of that joint or 31818
cooperative use, extending for not fewer than fifteen years, with 31819
the value of such use or right to use to be, as determined by the 31820
parties and approved by the approving department, reasonably 31821
related to the amount of the appropriation; 31822

(2) Provide for pro rata reimbursement to the state should 31823
the arrangement for joint or cooperative use by a governmental 31824
agency be terminated; 31825

(3) Provide that procedures to be followed during the capital 31826
improvement process will comply with applicable state statutes and 31827

rules, including the provisions of this act. 31828

Section 231.40.10. The Treasurer of State is hereby 31829
authorized to issue and sell in accordance with Section 2i of 31830
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 31831
Code, particularly section 154.20 of the Revised Code, original 31832
obligations in an aggregate principal amount not to exceed 31833
\$128,000,000 in addition to the original issuance of obligations 31834
heretofore authorized by prior acts of the General Assembly. These 31835
authorized obligations shall be issued, subject to applicable 31836
constitutional and statutory limitations, to pay costs of capital 31837
facilities as defined in section 154.01 of the Revised Code for 31838
mental hygiene and retardation. 31839

Section 233.10. The items set forth in the sections of this 31840
act prefixed with the section number "233" are hereby appropriated 31841
out of any moneys in the state treasury to the credit of the 31842
Higher Education Improvement Fund (Fund 7034) that are not 31843
otherwise appropriated. 31844

Appropriations

Section 233.10.10. ETC ETECH OHIO 31845
C37403 OGT Camera and Cabling Replacement \$ 725,000 31846
C37404 Digital Conversion \$ 525,000 31847
C37405 Digital Conversion for Public Television \$ 9,000,000 31848
Total eTech Ohio \$ 10,250,000 31849

Appropriations

Section 233.20.10. BOARD OF REGENTS AND STATE INSTITUTIONS OF 31851
HIGHER EDUCATION 31852
BOR BOARD OF REGENTS 31853
C23501 Ohio Supercomputer Center Expansion \$ 2,000,000 31854
C23502 Research Facility Action and Investment \$ 5,500,000 31855

	Funds		
C23506	Third Frontier Wright Capital	\$ 100,000,000	31856
C23516	Ohio Library and Information Network	\$ 9,910,000	31857
C23519	315 Corridor/SciTech	\$ 500,000	31858
C23524	Supplemental Renovations - Library	\$ 5,500,000	31859
	Depositories		
C23529	Non-credit Job Training Facilities	\$ 2,350,000	31860
C23530	Technology Initiatives	\$ 3,741,000	31861
C23531	Ohio Aerospace Institute	\$ 200,000	31862
C23532	Dark Fiber/OARnet	\$ 2,000,000	31863
C23533	Instructional and Data Processing	\$ 20,799,000	31864
	Equipment		
C23534	Central State Student Activity Center	\$ 14,000,000	31865
C23535	CWRU Energy Center	\$ 333,333	31866
	Total Board of Regents	\$ 166,833,333	31867

Section 233.20.20. RESEARCH FACILITY ACTION AND INVESTMENT 31869

FUNDS 31870

The foregoing appropriation item C23502, Research Facility 31871
 Action and Investment Funds, shall be used for a program of grants 31872
 to be administered by the Board of Regents to provide timely 31873
 availability of capital facilities for research programs and 31874
 research-oriented instructional programs at or involving 31875
 state-supported and state-assisted institutions of higher 31876
 education. 31877

Section 233.20.30. THIRD FRONTIER WRIGHT CAPITAL 31878

The foregoing appropriation item C23506, Third Frontier 31879
 Wright Capital, shall be used to acquire, renovate, or construct 31880
 facilities and purchase equipment for research programs, 31881
 technology development, product development, and commercialization 31882
 programs at or involving state-supported and state-assisted 31883
 institutions of higher education. The funds shall be used to make 31884

grants, which shall be awarded on a competitive basis, and shall 31885
be administered by the Third Frontier Commission. Expenditure of 31886
these funds shall comply with Section 2n of Article VIII, Ohio 31887
Constitution, and sections 151.01 and 151.04 of the Revised Code 31888
and shall be for the period beginning July 1, 2008, and ending 31889
June 30, 2010. 31890

The Third Frontier Commission shall develop guidelines 31891
relative to the application for and selection of projects funded 31892
from appropriation item C23506, Third Frontier Wright Capital. The 31893
Commission may develop the guidelines in consultation with other 31894
interested parties. The Board of Regents and all state-assisted 31895
and state-supported institutions of higher education shall take 31896
all actions necessary to implement grants awarded by the Third 31897
Frontier Commission. 31898

The foregoing appropriation item C23506, Third Frontier 31899
Wright Capital, consists of proceeds of obligations in the Higher 31900
Education Improvement Fund (Fund 7034) that are to be applied to 31901
capital improvements and capital facilities for state-supported 31902
and state-assisted institutions of higher education. 31903

Appropriations

			31904
Section 233.30.10. UAK UNIVERSITY OF AKRON			
C25000	Basic Renovations	\$ 5,056,161	31905
C25002	Wayne College Renovations/Expansion	\$ 258,182	31906
C25033	Polymer Processing Center - Phase II	\$ 7,363,281	31907
C25038	College of Education	\$ 5,000,000	31908
C25039	Campus Implementation	\$ 1,452,047	31909
C25040	Replacement of Gym Floor	\$ 150,000	31910
C25041	Maintenance Building	\$ 250,000	31911
C25042	Property Management Projects	\$ 150,000	31912
C25043	Akron Canton Regional Foodbank	\$ 200,000	31913
C25044	Hiram College James A. Garfield	\$ 500,000	31914

Institute

Total University of Akron	\$	20,379,671	31915
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Appropriations

Section 233.30.20. BGU BOWLING GREEN STATE UNIVERSITY			31917
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C24000	Basic Renovations	\$	4,354,164	31918
C24001	Basic Renovations - Firelands	\$	298,536	31919
C24021	Fine Art and Theater Complex	\$	6,116,000	31920
C24037	Academic Buildings Rehabilitation	\$	6,857,801	31921
C24038	Health Sciences Building	\$	934,363	31922
C24039	Wood County Health District Facility	\$	1,200,000	31923
C24040	James H. McBride Arboretum at BGSU	\$	378,000	31924

Firelands

Total Bowling Green University	\$	20,138,864	31925
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Appropriations

Section 233.30.30. CSU CENTRAL STATE UNIVERSITY			31927
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C25500	Basic Renovations	\$	1,100,972	31928
C25503	Center for Education & Natural Sciences	\$	1,000,000	31929
C25507	Campus Master Plan	\$	500,000	31930
C25508	Emery Hall	\$	545,746	31931
Total Central State University	\$	3,146,718	31932	

Appropriations

Section 233.30.40. UCN UNIVERSITY OF CINCINNATI			31933
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C26500	Basic Renovations	\$	10,720,621	31934
C26501	Basic Renovations - Clermont	\$	326,112	31935
C26502	Raymond Walters Renovations	\$	501,195	31936
C26530	Medical Science Building Renovation & Expansion	\$	26,412,509	31937
C26607	Consolidated Communication Project of Clermont County	\$	475,000	31938
C26612	Clermont Renovations	\$	751,132	31939

C26613	New Building	\$	1,582,233	31940
C26614	Barrett Cancer Center	\$	1,500,000	31941
C26615	Beech Acres	\$	125,000	31942
C26616	Forest Park Homeland Security Facility	\$	50,000	31943
C26617	Health Care Connection - Lincoln Heights	\$	150,000	31944
C26618	People Working Cooperatively	\$	120,000	31945
C26619	Sharonville Convention Center	\$	950,000	31946
C26620	Society for the Prevention of Cruelty to Animals - Facility	\$	100,000	31947
C26621	Mayerson Center	\$	200,000	31948
Total University of Cincinnati		\$	43,963,802	31949

Appropriations

Section 233.30.50. CLS CLEVELAND STATE UNIVERSITY 31951

C26000	Basic Renovations	\$	6,431,121	31952
C26035	Cleveland Institute of Art	\$	500,000	31953
C26048	Rhodes Tower Renovation	\$	4,030,166	31954
C26049	Basic Science Building HVAC and Electrical Upgrade	\$	1,125,000	31955
C26050	Law Building Renovation	\$	3,500,000	31956
C26051	Cleveland Hearing and Speech Center	\$	125,000	31957
C26052	University Hospitals Ireland Cancer Center	\$	3,000,000	31958
Total Cleveland State University		\$	18,711,287	31959

Appropriations

Section 233.30.60. KSU KENT STATE UNIVERSITY 31961

C27000	Basic Renovations	\$	5,220,323	31962
C27002	Basic Renovations - East Liverpool	\$	177,231	31963
C27004	Basic Renovations - Salem	\$	136,423	31964
C27005	Basic Renovations - Stark	\$	491,417	31965
C27006	Basic Renovations - Ashtabula	\$	281,425	31966
C27007	Basic Renovations - Trumbull	\$	463,939	31967

C27008	Basic Renovations - Tuscarawas	\$	310,510	31968
C27072	Gym Renovations for Health Sciences, Construction Phase	\$	486,469	31969
C27076	Performing Arts Center	\$	933,027	31970
C27087	Electrical Infrastructure Improvements	\$	1,407,000	31971
C27088	Oscar Ritchie Hall Rehabilitation	\$	6,715,000	31972
C27090	Music and Speech Center Renovations/Addition	\$	5,781,158	31973
C27093	Science and Nursing Building	\$	1,600,286	31974
C27096	Blossom Music Center	\$	1,000,000	31975
C270A5	Basic Renovations - Geauga	\$	93,152	31976
C270A6	Main Hall Renovations	\$	768,084	31977
C270A7	Classroom Building Interior Renovations, Phase 2	\$	333,435	31978
C270A8	Classroom Building HVAC and Energy Conservation Improvements	\$	259,027	31979
C270A9	Art Building Roof Replacement	\$	1,000,000	31980
C270B0	Classroom Building Interior Renovations	\$	854,608	31981
C270B1	University Hospitals Geauga Medical Center	\$	1,000,000	31982
C270B2	Cleveland Orchestra - Severance Hall	\$	750,000	31983
Total Kent State University		\$	30,062,514	31984

Appropriations

Section 233.30.70. MUN MIAMI UNIVERSITY			31986	
C28500	Basic Renovations	\$	5,615,288	31987
C28502	Basic Renovations - Hamilton	\$	686,759	31988
C28503	Basic Renovations - Middletown	\$	588,815	31989
C28556	Upham Hall North Wing Rehabilitation	\$	3,600,000	31990
C28559	Academic/Administrative & General Improvement Projects	\$	1,153,217	31991
C28560	Academic/Administrative & General Improvement Projects	\$	1,286,226	31992

C28564	Laws Hall Rehabilitation	\$	6,250,000	31993
C28565	Hughes Hall "C" Wing (design)	\$	700,000	31994
C28566	Western Steam Distribution Project	\$	1,500,000	31995
Total Miami University		\$	21,380,305	31996

Appropriations

Section 233.30.80. OSU OHIO STATE UNIVERSITY				31998
C31500	Basic Renovations	\$	22,999,842	31999
C31598	Main Library Rehabilitation/Expansion	\$	8,660,000	32000
C315R4	Founders Hall and Hopewell Hall Renovations	\$	1,003,812	32001
C315R7	Stone Lab Classroom Improvements	\$	250,000	32002
C315T4	Basic Renovations - Agricultural Technical Institute	\$	623,680	32003
C315T5	Basic Renovations - Lima	\$	311,913	32004
C315T6	Basic Renovations - Mansfield	\$	374,760	32005
C315T7	Basic Renovations - Marion	\$	312,878	32006
C315T8	Basic Renovations - Newark	\$	361,499	32007
C315T9	Basic Renovations - OARDC	\$	2,118,042	32008
C315U0	Horticultural Operations Center	\$	6,855,787	32009
C315U1	New Maintenance Facility	\$	2,000,000	32010
C315U2	Academic Core - North	\$	37,756,725	32011
C315U3	Cunz Hall Renovation	\$	6,540,000	32012
C315U4	College of Medicine Renovation/Addition	\$	6,000,000	32013
C315U5	Animal & Plant Biology Level 3 Isolate Facility	\$	6,220,796	32014
C315U7	Nationwide Children's Hospital Capital Equipment	\$	2,500,000	32015
C315U8	OSU African American & African Studies Community Center	\$	750,000	32016
C315U9	Flying Horse Pediatric Facility	\$	250,000	32017
Total Ohio State University		\$	105,889,734	32018

			Appropriations
Section 233.30.90. OHU OHIO UNIVERSITY			32020
C30000	Basic Renovations	\$ 5,043,296	32021
C30004	Basic Renovations - Eastern	\$ 218,674	32022
C30006	Basic Renovations - Zanesville	\$ 297,309	32023
C30007	Basic Renovations - Chillicothe	\$ 266,629	32024
C30008	Basic Renovations - Ironton	\$ 232,932	32025
C30021	Brasee Hall Library/Gymnasium Renovation	\$ 801,485	32026
C30048	Clippinger Laboratory Renovation - 2nd & 3rd Floors	\$ 3,400,000	32027
C30051	Lausche Heating Plant Completion	\$ 4,410,000	32028
C30053	Parking and Roadway Improvements	\$ 502,542	32029
C30058	Integrated Learning and Research Facility	\$ 9,000,000	32030
C30062	Shannon Hall Interior Renovations - Learning Commons	\$ 609,112	32031
C30064	Stevenson Center Learning Commons	\$ 500,000	32032
C30069	Elson Hall 2nd Floor Partial Renovation	\$ 1,129,666	32033
C30073	Land Acquisition	\$ 170,830	32034
C30074	Basic Renovations - Lancaster	\$ 306,577	32035
C30075	Infrastructure Improvements	\$ 1,900,000	32036
C30076	Campus Entry & Grounds Improvements	\$ 325,000	32037
C30077	Academic Building Laboratory & Classroom Renovation Planning	\$ 58,491	32038
C30078	OU Southern Proctorville Campus Upgrades	\$ 50,000	32039
C30079	OU Southern Horse Park	\$ 325,000	32040
Total Ohio University		\$ 29,547,543	32041
			Appropriations
Section 233.33.10. SSC SHAWNEE STATE UNIVERSITY			32043
C32400	Basic Renovations	\$ 1,036,884	32044
C32415	Land Acquisition	\$ 200,000	32045

C32423	Administration Building Renovation	\$	1,443,831	32046
	Total Shawnee State University	\$	2,680,715	32047

Appropriations

	Section 233.33.20. UTO UNIVERSITY OF TOLEDO			32049
C34000	Basic Renovations	\$	5,800,643	32050
C34033	CBLE - Stranahan Hall Addition	\$	4,600,000	32051
C34036	North Engineering Renovation	\$	4,750,000	32052
C34038	MCO - Core Research Facility	\$	1,800,000	32053
C34040	MCO - Clinical Academic Renovation	\$	900,000	32054
C34041	MCO - Resource & Community Learning Center	\$	900,000	32055
C34044	Campus Infrastructure Improvements	\$	3,750,000	32056
C34045	Building Demolition	\$	1,400,000	32057
C34046	MCO - Basic Renovations	\$	2,013,792	32058
C34047	Center for Equal Justice	\$	1,000,000	32059
C34048	Mercy College Technology and Infomatics Center	\$	225,000	32060
	Total University of Toledo	\$	27,139,435	32061

Appropriations

	Section 233.33.30. WSU WRIGHT STATE UNIVERSITY			32063
C27500	Basic Renovations	\$	3,759,018	32064
C27501	Basic Renovations - Lake	\$	132,481	32065
C27513	Science Laboratory Renovations	\$	8,521,508	32066
C27526	Lake Campus Rehabilitation and Addition	\$	461,750	32067
C27527	Advanced Technical Intelligence Center (ATIC)	\$	2,500,000	32068
C27533	Auditorium/Classroom Upgrades	\$	1,084,769	32069
C27534	Student Academic Success Center Renovation	\$	250,000	32070
C27535	Air Force Advanced Manufacturing Facility	\$	1,500,000	32071
C27536	Nursing Institute Facility	\$	500,000	32072

C27537	Calamityville Lab Facilities (WPAFB)	\$	3,000,000	32073
Total Wright State University		\$	21,709,526	32074

Appropriations

Section 233.33.40. YSU YOUNGSTOWN STATE UNIVERSITY				32076
C34500	Basic Renovations	\$	3,473,188	32077
C34518	Building System Upgrades	\$	624,834	32078
C34523	Campus Development	\$	1,500,000	32079
C34524	Instructional Space Upgrades	\$	850,000	32080
C34525	College of Business	\$	5,100,000	32081
C34526	Trumbull County Business Incubator	\$	500,000	32082
Total Youngstown State University		\$	12,048,022	32083

Appropriations

Section 233.33.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE				32085
OF MEDICINE				32086
C30500	Basic Renovations	\$	637,463	32087
C30517	Building Expansion Sitework	\$	1,473,952	32088
Total Northeastern Ohio Universities College of Medicine		\$	2,111,415	32089

Appropriations

Section 233.40.10. CTC CINCINNATI STATE COMMUNITY COLLEGE				32091
C36101	Basic Renovations	\$	1,255,923	32092
C36107	Classroom Upgrade Project	\$	270,000	32093
C36113	Freestore Food Bank	\$	100,000	32094
C36114	Lot C Parking Lot	\$	250,000	32095
C36115	Ceiling Replacement	\$	75,000	32096
C36116	Electrical Surge Protection	\$	100,000	32097
C36117	Campus Signage	\$	75,000	32098
C36118	Window and Garage Doors	\$	175,659	32099
C36119	Window Replacement	\$	100,000	32100
C36120	Blue Ash City Conference Center	\$	150,000	32101

C36121	Hebrew Union College Archives	\$	185,000	32102
Total Cincinnati State Community College		\$	2,736,582	32103

Appropriations

Section 233.40.20. CLT CLARK STATE COMMUNITY COLLEGE 32105

C38512	Basic Renovations	\$	536,990	32106
C38513	Clark State Arts Center	\$	300,000	32107
C38514	Center City Park in Springfield - Phase	\$	1,500,000	32108

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Total Clark State Community College		\$	2,336,990	32109
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Appropriations

Section 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE 32111

C38400	Basic Renovations	\$	1,691,834	32112
C38411	Columbus Hall Renovation	\$	5,470,913	32113
C38412	Painters Apprenticeship Council	\$	500,000	32114
C38413	Jewish Community Center NE Initiative	\$	575,000	32115
C38414	Somali Community Center	\$	100,000	32116
Total Columbus State Community College		\$	8,337,747	32117

Appropriations

Section 233.40.40. CCC CUYAHOGA COMMUNITY COLLEGE 32119

C37800	Basic Renovations	\$	3,482,709	32120
C37807	Cleveland Museum of Art	\$	3,100,000	32121
C37818	Health Care Technology Building, Eastern Campus	\$	9,775,889	32122
C37824	Rock and Roll Hall of Fame	\$	1,000,000	32123
C37829	College of Podiatric Medicine	\$	250,000	32124
C37830	Cuyahoga Community College Auto Lab Improvements	\$	100,000	32125
C37831	Visiting Nurse Association	\$	150,000	32126
C37832	Western Reserve Hospice Center	\$	100,000	32127
Total Cuyahoga Community College		\$	17,958,598	32128

Appropriations

Section 233.40.50. ESC EDISON STATE COMMUNITY COLLEGE			32130
C39000	Basic Renovations	\$ 688,818	32131
Total Edison State Community College		\$ 688,818	32132

Appropriations

Section 233.40.60. JTC JEFFERSON COMMUNITY COLLEGE			32134
C38600	Basic Renovations	\$ 269,043	32135
C39608	Second Floor Pugliese Training Center	\$ 887,025	32136
Total Jefferson Community College		\$ 1,156,068	32137

Appropriations

Section 233.40.70. LCC LAKELAND COMMUNITY COLLEGE			32139
C37900	Basic Renovations	\$ 1,132,835	32140
C37912	C Building East End	\$ 1,896,964	32141
Total Lakeland Community College		\$ 3,029,799	32142

Appropriations

Section 233.40.80. LOR LORAIN COMMUNITY COLLEGE			32144
C38300	Basic Renovations	\$ 1,275,420	32145
C38307	CC Rehabilitation - Student Center	\$ 3,572,633	32146
Total Lorain Community College		\$ 4,848,053	32147

Appropriations

Section 233.40.90. NTC NORTHWEST STATE COMMUNITY COLLEGE			32149
C38200	Basic Renovations	\$ 104,798	32150
C38205	Allied Health and Public Service Building	\$ 1,093,249	32151
C38206	Fulton County Wind Project	\$ 250,000	32152
Total Northwest State Community College		\$ 1,448,047	32153

Appropriations

Section 233.43.10. OTC OWENS COMMUNITY COLLEGE			32155
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C38800	Basic Renovations	\$	1,778,419	32156
C38813	Energy Management Infrastructure	\$	2,000,000	32157
C38814	Required and Code Compliance Renovations for Penta Campus	\$	2,500,000	32158
C38815	City of Perrysburg & Owens Community College Firing Range	\$	200,000	32159
Total Owens Community College		\$	6,478,419	32160

Appropriations

Section 233.43.20. RGC RIO GRANDE COMMUNITY COLLEGE 32162

C35600	Basic Renovations	\$	495,799	32163
C35606	Louvee Theater Project	\$	450,000	32164
Total Rio Grande Community College		\$	945,799	32165

Appropriations

Section 233.43.30. SCC SINCLAIR COMMUNITY COLLEGE 32167

C37700	Basic Renovations	\$	2,518,446	32168
C37709	National Composite Center	\$	750,000	32169
C37710	Greentree Health Science Academy	\$	1,000,000	32170
Total Sinclair Community College		\$	4,268,446	32171

Appropriations

Section 233.43.40. SOC SOUTHERN STATE COMMUNITY COLLEGE 32173

C32200	Basic Renovations	\$	404,599	32174
C32204	Laboratory and Classroom Building	\$	100,000	32175
Total Southern State Community College		\$	504,599	32176

Appropriations

Section 233.43.50. TTC TERRA STATE COMMUNITY COLLEGE 32178

C36400	Basic Renovations	\$	368,589	32179
C36407	Skilled Trades Center	\$	3,250,000	32180
C36408	Herbert Perna Center for Physical Health Studies	\$	375,000	32181

Total Terra State Community College \$ 3,993,589 32182

Appropriations

Section 233.43.60. WTC WASHINGTON STATE COMMUNITY COLLEGE 32184

C35800 Basic Renovations \$ 328,895 32185

C35810 Health Science Education Facility \$ 250,000 32186

Total Washington State Community College \$ 578,895 32187

Appropriations

Section 233.50.10. BTC BELMONT TECHNICAL COLLEGE 32189

C36800 Basic Renovations \$ 243,300 32190

Total Belmont Technical College \$ 243,300 32191

Appropriations

Section 233.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE 32193

C36900 Basic Renovations \$ 306,291 32194

C36905 Founders Hall and Hopewell Hall \$ 879,000 32195

Renovations

C36907 COTC Expansion in Mt. Vernon \$ 700,000 32196

Total Central Ohio Technical College \$ 1,885,291 32197

Appropriations

Section 233.50.30. HTC HOCKING TECHNICAL COLLEGE 32199

C36300 Basic Renovations \$ 654,837 32200

C36310 McClenaghan Center for Hospitality \$ 1,400,000 32201

Training

C36312 Energy Institute \$ 300,226 32202

C36313 Perry County Community Health Center at \$ 200,000 32203

Hocking College

C36314 New Lexington Public Safety Training \$ 750,000 32204

Facility

Total Hocking Technical College \$ 3,305,063 32205

Appropriations

Section 233.50.40. LTC JAMES RHODES STATE COLLEGE			32207
C38100	Basic Renovations	\$ 435,403	32208
C38110	Design Planning for Center of Excellence for Health Sciences	\$ 919,365	32209
Total James Rhodes State College			\$ 1,354,768 32210

Appropriations

Section 233.50.50. MTC MARION TECHNICAL COLLEGE			32212
C35900	Basic Renovations	\$ 139,497	32213
C35905	Technical Education Center Vacated Space Renovations	\$ 576,136	32214
Total Marion Technical College			\$ 715,633 32215

Appropriations

Section 233.50.60. MAT ZANE STATE COLLEGE			32217
C36200	Basic Renovations	\$ 294,447	32218
C36205	Willettt-Pratt Training Center Expansion	\$ 250,000	32219
C36207	College & Health Science Halls ESI Project, Phase II	\$ 500,000	32220
Total Zane State College			\$ 1,044,447 32221

Appropriations

Section 233.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE			32223
C38000	Basic Renovations	\$ 552,097	32224
C38010	North Central State College Kehoe Center	\$ 585,000	32225
C38011	North Central State College Fallerius Technology Center	\$ 150,000	32226
Total North Central Technical College			\$ 1,287,097 32227

Appropriations

Section 233.50.80. STC STARK TECHNICAL COLLEGE			32229
C38900	Basic Renovations	\$ 786,333	32230
C38913	Business Technologies Building	\$ 2,034,537	32231

C38914	Corporate and Community Services Facility	\$	500,000	32232
	Total Stark Technical College	\$	3,320,870	32233
	Total Board of Regents and Institutions of Higher Education	\$	598,209,802	32234 32235
	TOTAL Higher Education Improvement Fund	\$	608,459,802	32236

Section 233.60.10. DEBT SERVICE FORMULA ALLOCATION 32238

Based on the foregoing appropriations from the Higher Education Improvement Fund (Fund 7034), the following higher education institutions shall be responsible for the specified amounts as part of the debt service component of the instructional subsidy beginning in fiscal year 2010:

INSTITUTION	AMOUNT	
University of Akron	\$ 13,355,046	32244 32245
University of Akron - Wayne	\$ 627,584	32246
Bowling Green State University	\$ 12,482,535	32247
Bowling Green State University - Firelands	\$ 942,492	32248
Central State University	\$ 2,045,746	32249
University of Cincinnati	\$ 26,412,509	32250
University of Cincinnati - Clermont	\$ 751,132	32251
University of Cincinnati - Walters	\$ 1,582,233	32252
Cleveland State University	\$ 10,760,269	32253
Kent State University	\$ 14,903,158	32254
Kent State University - Ashtabula	\$ 812,835	32255
Kent State University - East Liverpool	\$ 333,435	32256
Kent State University - Geauga	\$ 259,027	32257
Kent State University - Salem	\$ 486,469	32258
Kent State University - Stark	\$ 1,600,286	32259
Kent State University - Trumbull	\$ 854,608	32260
Kent State University - Tuscarawas	\$ 933,027	32261
Miami University	\$ 13,042,402	32262
Miami University - Hamilton	\$ 1,324,456	32263

Miami University - Middletown	\$	1,405,890	32264
Ohio State University	\$	58,956,725	32265
Ohio State University - ATI	\$	6,855,787	32266
Ohio State University - Lima	\$	2,000,000	32267
Ohio State University - Newark	\$	1,030,695	32268
Ohio State University - OARDC	\$	6,220,796	32269
Ohio University	\$	17,406,578	32270
Ohio University - Eastern	\$	609,112	32271
Ohio University - Chillicothe	\$	1,002,542	32272
Ohio University - Southern	\$	554,321	32273
Ohio University - Lancaster	\$	801,485	32274
Ohio University - Zanesville	\$	1,129,666	32275
Shawnee State University	\$	1,643,831	32276
University of Toledo	\$	17,839,425	32277
Wright State University	\$	9,856,277	32278
Wright State University - Lake	\$	461,750	32279
Youngstown State University	\$	8,144,264	32280
Northeastern Ohio Universities College of Medicine	\$	1,542,025	32281
Cincinnati State Community College	\$	924,024	32282
Columbus State Community College	\$	5,470,913	32283
Cuyahoga Community College	\$	9,775,889	32284
Edison State Community College	\$	373,982	32285
Jefferson Community College	\$	874,547	32286
Lakeland Community College	\$	2,529,285	32287
Lorain County Community College	\$	3,572,633	32288
Northwest State Community College	\$	848,720	32289
Owens Community College	\$	4,449,028	32290
Terra State Community College	\$	3,250,000	32291
Central Ohio Technical College	\$	907,644	32292
Hocking Technical College	\$	1,700,226	32293
James Rhodes State Technical College	\$	919,365	32294
Marion Technical College	\$	576,136	32295

Zane State College	\$	701,703	32296
North Central Technical College	\$	435,000	32297
Stark Technical College	\$	1,844,168	32298

Institutions not listed above do not have a debt service obligation as a result of these appropriations. 32299
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Within sixty days after the effective date of this section, 32301
any institution of higher education may notify the Board of 32302
Regents of its intention not to proceed with any project 32303
appropriated in this act. Upon receiving such a notification, the 32304
Board of Regents may release the institution from its debt service 32305
obligation for the specific project. 32306

Section 233.60.20. For all of the foregoing appropriation 32307
items from the Higher Education Improvement Fund (Fund 7034) that 32308
require local funds to be contributed by any state-supported or 32309
state-assisted institution of higher education, the Board of 32310
Regents shall not recommend that any funds be released until the 32311
recipient institution demonstrates to the Board of Regents and the 32312
Office of Budget and Management that the local funds contribution 32313
requirement has been secured or satisfied. The local funds are in 32314
addition to the foregoing appropriations. 32315

Section 233.60.30. The Ohio Public Facilities Commission is 32316
hereby authorized to issue and sell, in accordance with Section 2n 32317
of Article VIII, Ohio Constitution, and Chapter 151. and 32318
particularly sections 151.01 and 151.04 of the Revised Code, 32319
original obligations in an aggregate principal amount not to 32320
exceed \$606,000,000, in addition to the original issuance of 32321
obligations heretofore authorized by prior acts of the General 32322
Assembly. These authorized obligations shall be issued, subject to 32323
applicable constitutional and statutory limitations, to pay costs 32324
of capital facilities as defined in sections 151.01 and 151.04 of 32325
the Revised Code for state-supported and state-assisted 32326

institutions of higher education. 32327

Section 233.60.40. None of the foregoing capital improvements 32328
appropriations for state-supported or state-assisted institutions 32329
of higher education shall be expended until the particular 32330
appropriation has been recommended for release by the Board of 32331
Regents and released by the Director of Budget and Management or 32332
the Controlling Board. Either the institution concerned, or the 32333
Board of Regents with the concurrence of the institution 32334
concerned, may initiate the request to the Director of Budget and 32335
Management or the Controlling Board for the release of the 32336
particular appropriations. 32337

Section 233.60.50. (A) No capital improvement appropriations 32338
made in sections of this act prefixed with the section number 32339
"233" shall be released for planning or for improvement, 32340
renovation, construction, or acquisition of capital facilities if 32341
the institution of higher education or the state does not own the 32342
real property on which the capital facilities are or will be 32343
located. This restriction does not apply in any of the following 32344
circumstances: 32345

(1) The institution has a long-term (at least fifteen years) 32346
lease of, or other interest (such as an easement) in, the real 32347
property. 32348

(2) The Board of Regents certifies to the Controlling Board 32349
that undue delay will occur if planning does not proceed while the 32350
property or property interest acquisition process continues. In 32351
this case, funds may be released upon approval of the Controlling 32352
Board to pay for planning through the development of schematic 32353
drawings only. 32354

(3) In the case of an appropriation for capital facilities 32355
that, because of their unique nature or location, will be owned or 32356

will be part of facilities owned by a separate nonprofit 32357
organization or public body and will be made available to the 32358
institution of higher education for its use, the nonprofit 32359
organization or public body either owns or has a long-term (at 32360
least fifteen years) lease of the real property or other capital 32361
facility to be improved, renovated, constructed, or acquired and 32362
has entered into a joint or cooperative use agreement with the 32363
institution of higher education that meets the requirements of 32364
division (C) of this section. 32365

(B) Any foregoing appropriations that require cooperation 32366
between a technical college and a branch campus of a university 32367
may be released by the Controlling Board upon recommendation by 32368
the Board of Regents that the facilities proposed by the 32369
institutions are: 32370

(1) The result of a joint planning effort by the university 32371
and the technical college, satisfactory to the Board of Regents; 32372

(2) Facilities that will meet the needs of the region in 32373
terms of technical and general education, taking into 32374
consideration the totality of facilities that will be available 32375
after the completion of the projects; 32376

(3) Planned to permit maximum joint use by the university and 32377
technical college of the totality of facilities that will be 32378
available upon their completion; and 32379

(4) To be located on or adjacent to the branch campus of the 32380
university. 32381

(C) The Board of Regents shall adopt rules regarding the 32382
release of moneys from all the foregoing appropriations for 32383
capital facilities for all state-supported or state-assisted 32384
institutions of higher education. In the case of capital 32385
facilities referred to in division (A)(3) of this section, the 32386
joint or cooperative use agreements shall include, as a minimum, 32387

provisions that:	32388
(1) Specify the extent and nature of that joint or cooperative use, extending for not fewer than fifteen years, with the value of such use or right to use to be, as is determined by the parties and approved by the Board of Regents, reasonably related to the amount of the appropriations;	32389 32390 32391 32392 32393
(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use be terminated;	32394 32395
(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state statutes and rules, including the provisions of this act; and	32396 32397 32398
(4) Provide for payment or reimbursement to the institution of its administrative costs incurred as a result of the facilities project, not to exceed 1.5 per cent of the appropriated amount.	32399 32400 32401
(D) Upon the recommendation of the Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution with the approval of both institutions.	32402 32403 32404 32405 32406
(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Board of Regents, may transfer amounts appropriated to the Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.	32407 32408 32409 32410 32411
Section 233.60.60. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, do not apply to projects of community college districts, which include Cuyahoga Community College, Jefferson	32412 32413 32414 32415 32416 32417

Community College, Lakeland Community College, Lorain Community College, Rio Grande Community College, and Sinclair Community College; and technical college districts, which include Belmont Technical College, Central Ohio Technical College, Hocking Technical College, James Rhodes State College, Marion Technical College, Zane State College, North Central Technical College, and Stark Technical College. 32418
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Section 233.60.70. Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may: 32425
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(A) Establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when the charges are in excess of 1.5 per cent of the total construction budget. 32428
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(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for the capital projects. Acceptable charges are limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost. 32434
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Section 235.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 7035) that are not otherwise appropriated. 32444
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		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			32448
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$ 5,150,000	32449
C725A9	Park Boating Facilities - Shawnee Marina	\$ 1,000,000	32450
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$ 250,000	32451
C725E2	Local Parks Projects	\$ 25,527,333	32452
C725E6	Project Planning	\$ 500,000	32453
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$ 1,000,000	32454
C725M5	Middle Bass Island State Park - Marina	\$ 4,000,000	32455
C725N0	Handicapped Accessibility - Statewide	\$ 100,000	32456
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$ 150,000	32457
C725N6	Statewide Wastewater/Water Systems Upgrade	\$ 3,000,000	32458
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$ 1,000,000	32459
Total Department of Natural Resources		\$ 41,677,333	32460
TOTAL Parks and Recreation Improvement Fund		\$ 41,677,333	32461
FEDERAL REIMBURSEMENT			32462
All reimbursements received from the federal government for			32463
any expenditures made pursuant to this section shall be deposited			32464
in the state treasury to the credit of the Parks and Recreation			32465
Improvement Fund (Fund 7035).			32466
LOCAL PARKS PROJECTS			32467
Of the foregoing appropriation item C725E2, Local Parks			32468
Projects, an amount equal to two per cent of the projects listed			32469
may be used by the Department of Natural Resources for the			32470
administration of local projects, \$3,050,000 shall be used for the			32471
Scioto Mile Development, \$2,000,000 shall be used for the			32472

Riverfront Park, \$2,000,000 shall be used for the Goodyear Park, 32473
\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall 32474
be used for the Little Miami Trail extension - Hamilton County 32475
Park District, \$675,000 shall be used for the Anthony Wayne Youth 32476
Foundation Recreation area, \$100,000 shall be used for the Euclid 32477
Beach Pier, \$500,000 shall be used for the Euclid Marina 32478
Breakwater Project, \$500,000 shall be used for the Columbus Crew 32479
Facility - Hilliard, \$500,000 shall be used for the Franklin Park 32480
Conservatory, \$500,000 shall be used for the Colerain Township 32481
Park, \$500,000 shall be used for the Green Township Legacy Place 32482
Park, \$475,000 shall be used for the Dublin Emerald Fields Special 32483
Needs Playground, \$450,000 shall be used for the Sippo Lake Park 32484
improvements, \$400,000 shall be used for the Mentor Beach Park or 32485
Mentor Lagoons Marina, \$400,000 shall be used for the Harrison 32486
Park - Wick District - Smoky, \$400,000 shall be used for the Wayne 32487
County Rails to Trails Project, \$350,000 shall be used by Franklin 32488
County Metro Parks for the Whittier Peninsula Park, \$350,000 shall 32489
be used for the Perry Township Park, \$333,333 shall be used for 32490
the East Bank of the Flats, \$175,000 shall be used for the New 32491
Richmond Park, \$300,000 shall be used for the Beavercreek Wildlife 32492
Education Center, \$300,000 shall be used for the Versailles Park 32493
Project, \$300,000 shall be used for the Madison Township Park, 32494
\$284,000 shall be used for the Bike and Pedestrian Path - 32495
SugarTree Corridor, \$275,000 shall be used for the Montville 32496
Township Park Project, \$250,000 shall be used for the Grand Lake 32497
St. Mary's Shoreline Rip Rap Project, \$250,000 shall be used for 32498
the West Chester Beckett Park Improvements, \$250,000 shall be used 32499
for the City of Strongsville Family Aquatic Center, \$250,000 shall 32500
be used for the Reis Park improvements, \$250,000 shall be used for 32501
the McIntyre Park Hiking and Biking Trails, \$250,000 shall be used 32502
for the Circleville Community Park Project, \$250,000 shall be used 32503
for the Fremont Area Foundation Park athletic facilities, \$250,000 32504
shall be used for the Alliance Park, \$250,000 shall be used for 32505

the Audobon Ohio Nature Center, \$200,000 shall be used for the 32506
Maple Heights Pool/Park improvements, \$200,000 shall be used for 32507
the Lancaster Community Parks revitalization, \$200,000 shall be 32508
used for the Grandview Yard Public Park, \$200,000 shall be used 32509
for the Wyoming City Regional Park, \$200,000 shall be used for the 32510
Chagrin River Lakefront Park, \$200,000 shall be used for the 32511
Aullwood Audobon Center, \$400,000 shall be used for the Austin 32512
Pike Project - land acquisition, \$200,000 shall be used for the 32513
Mary Virginia Crites Hammum Community Park, \$200,000 shall be used 32514
for the Canton Spray Park, \$150,000 shall be used for the Lima 32515
Historic Athletic Field, \$150,000 shall be used for the Myers 32516
Memorial Bandshell, \$150,000 shall be used for the City of Logan 32517
Park/Pool improvements, \$150,000 shall be used for the Houston 32518
Fisher Memorial Park improvements, \$150,000 shall be used for the 32519
Indian Lake State Park Campground Electrical Improvements, 32520
\$150,000 shall be used for the Avon Lake Veterans Park 32521
improvements, \$125,000 shall be used for the York Township Park 32522
land acquisition, \$124,500 shall be used for the Salt Fork 32523
Concession Stand, \$100,000 shall be used for the Monroe Veterans' 32524
Memorial Park, \$100,000 shall be used for the Rivers Edge Bikeway, 32525
\$100,000 shall be used for the Mayfield Heights Park Facility 32526
improvement, \$100,000 shall be used for the Auburn Township 32527
Community Park, \$100,000 shall be used for the Kidron Community 32528
Park Improvements, \$100,000 shall be used for the Lucas County 32529
Marina, \$100,000 shall be used for the Youngstown City Park, 32530
\$100,000 shall be used for the Salisbury Township Park 32531
improvements/land acquisition, \$100,000 shall be used for the 32532
Community Built Playground, \$100,000 shall be used for the Burkes 32533
Point Park, \$100,000 shall be used for the Barberton Newton Park, 32534
\$100,000 shall be used for the Crown Point Conservation Easement, 32535
\$100,000 shall be used for the Mudbrook Trail and Greenway 32536
Project, \$100,000 shall be used for the Waddell Park in the City 32537
of Niles, \$100,000 shall be used for the Moonville Rail Trail 32538

Project, \$100,000 shall be used for the Springboro Park 32539
improvements, \$75,000 shall be used for the Ault Park 32540
improvements, \$75,000 shall be used for the Willard Soccer and 32541
Football Park Project, \$75,000 shall be used for the Austintown 32542
Nature Rooms, \$75,000 shall be used for the Meigs Local Enrichment 32543
Project Multi-Purpose Complex, \$75,000 shall be used for the 32544
Miracle League facility - Muskingum County, \$70,000 shall be used 32545
for the City of Nelsonville Park/land acquisition, \$65,000 shall 32546
be used for the Village of Jacksonville Park improvements, \$58,500 32547
shall be used by the Greene County Parks and Recreation Department 32548
for Greene County Park improvements, \$50,000 shall be used for the 32549
Ohio Wildlife Center, \$50,000 shall be used for the Kelley's 32550
Island Park Restroom PHASE II, \$50,000 shall be used for the 32551
Little League Challenger Field - Cambridge, \$50,000 shall be used 32552
for the Avon Isle Park improvements, \$50,000 shall be used for the 32553
Monroe Township, Clermont County Fair Oak Park, \$46,000 shall be 32554
used for the Huntington Township Park Projects, \$35,000 shall be 32555
used for the Village of Buchtel Park improvements, \$35,000 shall 32556
be used for the Village of Syracuse Park improvements, \$30,000 32557
shall be used for the Village of Albany Park improvements, \$30,000 32558
shall be used for the Village of Aberdeen Boat Dock, \$30,000 shall 32559
be used for the Village of Hamler Parks improvement, \$25,000 shall 32560
be used for the Coshocton Children's Park, \$25,000 shall be used 32561
for the Alt Park improvements, \$25,000 shall be used for the 32562
Cambridge Handicapped Playground, \$25,000 shall be used for the 32563
Murray City Community Parks improvement, \$25,000 shall be used for 32564
the Marblehead Lighthouse State Park - Replica Life Boat Station, 32565
\$25,000 shall be used for the Village of Attica Park Maintenance, 32566
\$20,000 shall be used for the Village of Stockport Park 32567
improvements, \$15,000 shall be used for the Village of Salineville 32568
Baseball Field, \$15,000 shall be used for the City of Parma 32569
Heights Greenbriar Commons Park Walking Trail, \$10,000 shall be 32570
used for the Village of Albany Bike Paths, \$10,000 shall be used 32571

for the Salem Park Board, \$10,000 shall be used for the Village of 32572
Pomeroy Mini Park improvements, \$10,000 shall be used for the 32573
Skyvue Outdoor Classroom, and \$6,000 shall be used for the 32574
Wadsworth Skate Park. 32575
32576

Section 235.11. For the appropriations in Section 235.10 of 32577
this act, the Department of Natural Resources shall periodically 32578
prepare and submit to the Director of Budget and Management the 32579
estimated design, planning, and engineering costs of 32580
capital-related work to be done by the Department for each 32581
project. Based on the estimates, the Director of Budget and 32582
Management may release appropriations from the foregoing 32583
appropriation item C725E6, Project Planning, within the Parks and 32584
Recreation Improvement Fund (Fund 7035), to pay for design, 32585
planning, and engineering costs incurred by the Department for the 32586
projects. Upon release of the appropriations by the Director of 32587
Budget and Management, the Department shall pay for these expenses 32588
from the Parks Capital Expenses Fund (Fund 2270), and shall be 32589
reimbursed from the Parks and Recreation Improvement Fund (Fund 32590
7035) using an intrastate voucher. 32591

Section 235.12. The Treasurer of State is hereby authorized 32592
to issue and sell, in accordance with Section 2i of Article VIII, 32593
Ohio Constitution, and Chapter 154. of the Revised Code, 32594
particularly section 154.22 of the Revised Code, original 32595
obligations in an aggregate principal amount not to exceed 32596
\$41,000,000, in addition to the original issuance of obligations 32597
heretofore authorized by prior acts of the General Assembly. These 32598
authorized obligations shall be issued, subject to applicable 32599
constitutional and statutory limitations, to pay the costs of 32600
capital facilities for parks and recreation as defined in section 32601
154.01 of the Revised Code. 32602

Section 235.13. (A) No capital improvement appropriations 32603
made in Section 235.10 of this act shall be released for planning 32604
or for improvement, renovation, or construction or acquisition of 32605
capital facilities if a governmental agency, as defined in section 32606
154.01 of the Revised Code, does not own the real property that 32607
constitutes the capital facilities or on which the capital 32608
facilities are or will be located. This restriction does not apply 32609
in any of the following circumstances: 32610

(1) The governmental agency has a long-term (at least fifteen 32611
years) lease of, or other interest (such as an easement) in, the 32612
real property. 32613

(2) In the case of an appropriation for capital facilities 32614
for parks and recreation that, because of their unique nature or 32615
location, will be owned or be part of facilities owned by a 32616
separate nonprofit organization and made available to the 32617
governmental agency for its use or operated by the nonprofit 32618
organization under contract with the governmental agency, the 32619
nonprofit organization either owns or has a long-term (at least 32620
fifteen years) lease of the real property or other capital 32621
facility to be improved, renovated, constructed, or acquired and 32622
has entered into a joint or cooperative use agreement, approved by 32623
the Department of Natural Resources, with the governmental agency 32624
for that agency's use of and right to use the capital facilities 32625
to be financed and, if applicable, improved, the value of such use 32626
or right to use being, as determined by the parties, reasonably 32627
related to the amount of the appropriation. 32628

(B) In the case of capital facilities referred to in division 32629
(A)(2) of this section, the joint or cooperative use agreement 32630
shall include, as a minimum, provisions that: 32631

(1) Specify the extent and nature of that joint or 32632
cooperative use, extending for not fewer than fifteen years, with 32633

the value of such use or right to use to be, as determined by the 32634
parties and approved by the approving department, reasonably 32635
related to the amount of the appropriation; 32636

(2) Provide for pro rata reimbursement to the state should 32637
the arrangement for joint or cooperative use by a governmental 32638
agency be terminated; and 32639

(3) Provide that procedures to be followed during the capital 32640
improvement process will comply with appropriate applicable state 32641
statutes and rules, including the provisions of this act. 32642

Section 237.10. The items set forth in this section are 32643
hereby appropriated out of any moneys in the state treasury to the 32644
credit of the State Capital Improvements Fund (Fund 7038) that are 32645
not otherwise appropriated. 32646

Appropriations

	PWC PUBLIC WORKS COMMISSION		32647
C15000	Local Public Infrastructure	\$ 120,000,000	32648
	Total Public Works Commission	\$ 120,000,000	32649
TOTAL	State Capital Improvements Fund	\$ 120,000,000	32650

The foregoing appropriation item C15000, Local Public 32651
Infrastructure, shall be used in accordance with sections 164.01 32652
to 164.12 of the Revised Code. The Director of the Public Works 32653
Commission may certify to the Director of Budget and Management 32654
that a need exists to appropriate investment earnings to be used 32655
in accordance with sections 164.01 to 164.12 of the Revised Code. 32656
If the Director of Budget and Management determines pursuant to 32657
division (D) of section 164.08 and section 164.12 of the Revised 32658
Code that investment earnings are available to support additional 32659
appropriations, such amounts are hereby appropriated. 32660

If the Public Works Commission receives refunds due to 32661
project overpayments that are discovered during a post-project 32662
audit, the Director of the Public Works Commission may certify to 32663

the Director of Budget and Management that refunds have been 32664
received. In certifying the refunds, the Director of the Public 32665
Works Commission shall provide the Director of Budget and 32666
Management information on the project refunds. The certification 32667
shall detail by project the source and amount of project 32668
overpayments received and include any supporting documentation 32669
required or requested by the Director of Budget and Management. 32670
Upon receipt of the certification, the Director of Budget and 32671
Management shall determine if the project refunds are necessary to 32672
support existing appropriations. If the project refunds are 32673
available to support additional appropriations, these amounts are 32674
hereby appropriated to appropriation item C15030, Revolving Loan. 32675

Section 237.11. The Ohio Public Facilities Commission is 32676
hereby authorized to issue and sell, in accordance with Section 2p 32677
of Article VIII, Ohio Constitution, and sections 151.01 and 151.08 32678
of the Revised Code, original obligations of the state, in an 32679
aggregate principal amount not to exceed \$120,000,000, in addition 32680
to the original obligations heretofore authorized by prior acts of 32681
the General Assembly. These authorized obligations shall be issued 32682
and sold from time to time and in amounts necessary to ensure 32683
sufficient moneys to the credit of the State Capital Improvements 32684
Fund (Fund 7038) to pay costs of capital improvement projects of 32685
local subdivisions. 32686

Section 239.10. The items set forth in this section are 32687
hereby appropriated out of any moneys in the state treasury to the 32688
credit of the Clean Ohio Conservation Fund (Fund 7056) that are 32689
not otherwise appropriated. 32690

			Appropriations
PWC PUBLIC WORKS COMMISSION			32691
C15060	Clean Ohio Conservation	\$ 30,000,000	32692
Total Public Works Commission			\$ 30,000,000 32693

TOTAL Clean Ohio Conservation Fund \$ 30,000,000 32694

The foregoing appropriation item C15060, Clean Ohio 32695
Conservation, shall be used in accordance with sections 164.20 to 32696
164.27 of the Revised Code. If the Public Works Commission 32697
receives refunds due to project overpayments that are discovered 32698
during the post-project audit, the Director of the Public Works 32699
Commission may certify to the Director of Budget and Management 32700
that refunds have been received. If the Director of Budget and 32701
Management determines that the project refunds are available to 32702
support additional appropriations, such amounts are hereby 32703
appropriated. 32704

Section 241.10. The items set forth in this section are 32705
hereby appropriated out of any moneys in the state treasury to the 32706
credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) 32707
that are not otherwise appropriated. 32708

Appropriations

AGR DEPARTMENT OF AGRICULTURE 32709

C70009 Clean Ohio Agricultural Easements \$ 5,000,000 32710
Total Department of Agriculture \$ 5,000,000 32711
TOTAL Clean Ohio Agricultural Easement Fund \$ 5,000,000 32712

Section 243.10. The items set forth in this section are 32714
hereby appropriated out of any moneys in the state treasury to the 32715
credit of the Clean Ohio Trail Fund (Fund 7061) that are not 32716
otherwise appropriated. 32717

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 32718

C72514 Clean Ohio Trail - Grants \$ 5,000,000 32719
Total Department of Natural Resources \$ 5,000,000 32720
TOTAL Clean Ohio Trail Fund \$ 5,000,000 32721

Section 243.11. The Ohio Public Facilities Commission is 32723

hereby authorized to issue and sell, in accordance with Section 20 32724
of Article VIII, Ohio Constitution, and pursuant to sections 32725
151.01 and 151.09 of the Revised Code, original obligations of the 32726
state in an aggregate principal amount not to exceed \$40,000,000 32727
in addition to the original issuance of obligations heretofore 32728
authorized by prior acts of the General Assembly. These authorized 32729
obligations shall be issued and sold from time to time, subject to 32730
applicable constitutional and statutory limitations, as needed to 32731
ensure sufficient moneys to the credit of the Clean Ohio 32732
Conservation Fund (Fund 7056), the Clean Ohio Agricultural 32733
Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 32734
7061) to pay costs of conservation projects. 32735

Section 245.10. Notwithstanding any provision of law to the 32736
contrary, the Director of Budget and Management, with the written 32737
concurrence of the Director of Public Safety, may transfer cash 32738
temporarily from the Highway Safety Fund (Fund 7036) to the 32739
Highway Safety Building Fund (Fund 7025), and the cash may be used 32740
to fund projects previously appropriated by acts of the General 32741
Assembly. The transfers shall be made for the purpose of providing 32742
cash to support appropriations or encumbrances that exist on the 32743
effective date of this section. At such time as obligations are 32744
issued for Highway Safety Building Fund projects, the Director of 32745
Budget and Management shall transfer from the Highway Safety 32746
Building Fund to the Highway Safety Fund any amounts originally 32747
transferred to the Highway Safety Building Fund under this 32748
section. 32749

Section 247.10. CERTIFICATION OF AVAILABILITY OF MONEYS 32750

Moneys that require release shall not be expended from any 32751
appropriation contained in this act without certification of the 32752
Director of Budget and Management that there are sufficient moneys 32753

in the state treasury in the fund from which the appropriation is 32754
made. Such certification shall be based on estimates of revenue, 32755
receipts, and expenses. Nothing in this section limits the 32756
authority granted to the Director of Budget and Management in 32757
section 126.07 of the Revised Code. 32758

Section 249.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 32759

The appropriations made in this act, excluding those made to 32760
the State Capital Improvement Fund (Fund 7038) and the State 32761
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 32762
or structures, including remodeling and renovations, are limited 32763
to: 32764

(A) Acquisition of real property or interests in real 32765
property; 32766

(B) Buildings and structures, which include construction, 32767
demolition, complete heating, lighting and lighting fixtures, all 32768
necessary utilities, and ventilating, plumbing, sprinkling, and 32769
sewer systems, when such systems are authorized or necessary; 32770

(C) Architectural, engineering, and professional services 32771
expenses directly related to the projects; 32772

(D) Machinery that is a part of structures at the time of 32773
initial acquisition or construction; 32774

(E) Acquisition, development, and deployment of new computer 32775
systems, including the redevelopment or integration of existing 32776
and new computer systems, but excluding regular or ongoing 32777
maintenance or support agreements; 32778

(F) Equipment that meets all the following criteria: 32779

(1) The equipment is essential in bringing the facility up to 32780
its intended use; 32781

(2) The unit cost of the equipment, and not the individual 32782

parts of a unit, is about \$100 or more; 32783

(3) The equipment has a useful life of five years or more; 32784
and 32785

(4) The equipment is necessary for the functioning of the 32786
particular facility or project. 32787

Equipment shall not be paid for from these appropriations 32788
that is not an integral part of or directly related to the basic 32789
purpose or function of a project for which moneys are 32790
appropriated. This paragraph does not apply to appropriation items 32791
specifically for equipment. 32792

Section 251.10. CONTINGENCY RESERVE REQUIREMENT 32793

Any request for release of capital appropriations by the 32794
Director of Budget and Management or the Controlling Board of 32795
capital appropriations for projects, the contracts for which are 32796
awarded by the Department of Administrative Services, shall 32797
contain a contingency reserve, the amount of which shall be 32798
determined by the Department of Administrative Services, for 32799
payment of unanticipated project expenses. Any amount deducted 32800
from the encumbrance for a contractor's contract as an assessment 32801
for liquidated damages shall be added to the encumbrance for the 32802
contingency reserve. Contingency reserve funds shall be used to 32803
pay costs resulting from unanticipated job conditions, to comply 32804
with rulings regarding building and other codes, to pay costs 32805
related to errors or omissions in contract documents, to pay costs 32806
associated with changes in the scope of work, and to pay the cost 32807
of settlements and judgments related to the project. 32808

Any funds remaining upon completion of a project may, upon 32809
approval of the Controlling Board, be released for the use of the 32810
agency or instrumentality to which the appropriation was made for 32811
other capital facilities projects. 32812

Section 253.10. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 32813
PROJECTS 32814

Notwithstanding sections 123.01 and 123.15 of the Revised 32815
Code, the Director of Administrative Services may authorize the 32816
Departments of Mental Health, Mental Retardation and Developmental 32817
Disabilities, Agriculture, Job and Family Services, Rehabilitation 32818
and Correction, Youth Services, Public Safety, Transportation, and 32819
the Ohio Veterans' Home to administer any capital facilities 32820
projects, the estimated cost of which, including design fees, 32821
construction, equipment, and contingency amounts, is less than 32822
\$1,500,000. Requests for authorization to administer capital 32823
facilities projects shall be made in writing to the Director of 32824
Administrative Services by the applicable state agency within 32825
sixty days after the effective date of the section of law in which 32826
the General Assembly initially makes an appropriation for the 32827
project. Upon the release of funds for the projects by the 32828
Controlling Board or the Director of Budget and Management, the 32829
agency may administer the capital project or projects for which 32830
agency administration has been authorized without the supervision, 32831
control, or approval of the Director of Administrative Services. 32832

A state agency authorized by the Director of Administrative 32833
Services to administer capital facilities projects pursuant to 32834
this section shall comply with the applicable procedures and 32835
guidelines established in Chapter 153. of the Revised Code. 32836

Section 255.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 32837
AGAINST THE STATE 32838

Except as otherwise provided in this section, an 32839
appropriation contained in this act or in any other act may be 32840
used for the purpose of satisfying judgments, settlements, or 32841
administrative awards ordered or approved by the Court of Claims 32842

or by any other court of competent jurisdiction in connection with 32843
civil actions against the state. This authorization does not apply 32844
to appropriations that are to be applied to or used for payment of 32845
guarantees by or on behalf of the state, or for payments under 32846
lease agreements relating to or debt service on bonds, notes, or 32847
other obligations of the state. Notwithstanding any other section 32848
of law to the contrary, this authorization includes appropriations 32849
from funds into which proceeds or direct obligations of the state 32850
are deposited only to the extent that the judgment, settlement, or 32851
administrative award is for or represents capital costs for which 32852
the appropriation may otherwise be used and is consistent with the 32853
purpose for which any related obligations were issued or entered 32854
into. Nothing contained in this section is intended to subject the 32855
state to suit in any forum in which it is not otherwise subject to 32856
suit, and it is not intended to waive or compromise any defense or 32857
right available to the state in any suit against it. 32858

Section 257.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 32859
AND MANAGEMENT 32860

Notwithstanding section 126.14 of the Revised Code, 32861
appropriations for appropriation item C50101, Community-Based 32862
Correctional Facilities, appropriated from the Adult Correctional 32863
Building Fund (Fund 7027) to the Department of Rehabilitation and 32864
Correction, shall be released upon the written approval of the 32865
Director of Budget and Management. The appropriations from the 32866
Public School Building Fund (Fund 7021) and the School Building 32867
Program Assistance Fund (Fund 7032) to the School Facilities 32868
Commission, from the Clean Ohio Conservation Fund (Fund 7056), the 32869
State Capital Improvement Fund (Fund 7038), and the State Capital 32870
Improvements Revolving Loan Fund (Fund 7040) to the Public Works 32871
Commission, shall be released upon presentation of a request to 32872
release the funds, by the agency to which the appropriation has 32873
been made, to the Director of Budget and Management. 32874

Section 259.10. PREVAILING WAGE REQUIREMENT 32875

Except as provided in section 4115.04 of the Revised Code, 32876
moneys appropriated or reappropriated by the 127th General 32877
Assembly shall not be used for the construction of public 32878
improvements, as defined in section 4115.03 of the Revised Code, 32879
unless the mechanics, laborers, or workers engaged therein are 32880
paid the prevailing rate of wages prescribed in section 4115.04 of 32881
the Revised Code. Nothing in this section affects the wages and 32882
salaries established for state employees under Chapter 124. of the 32883
Revised Code, or collective bargaining agreements entered into by 32884
the state under Chapter 4117. of the Revised Code, while engaged 32885
on force account work, nor does this section interfere with the 32886
use of inmate and patient labor by the state. 32887

Section 261.10. CAPITAL FACILITIES LEASES 32888

Capital facilities for which appropriations are made from the 32889
Highway Safety Building Fund (Fund 7025), the Administrative 32890
Building Fund (Fund 7026), the Adult Correctional Building Fund 32891
(Fund 7027), and the Juvenile Correctional Building Fund (Fund 32892
7028) may be leased by the Ohio Building Authority to the 32893
Department of Public Safety, the Department of Youth Services, the 32894
Department of Administrative Services, and the Department of 32895
Rehabilitation and Correction, and other agreements may be made by 32896
the Ohio Building Authority and the departments with respect to 32897
the use or purchase of such capital facilities, or, subject to the 32898
approval of the director of the department or the commission, the 32899
Ohio Building Authority may lease the capital facilities to, and 32900
make other agreements with respect to the use or purchase of the 32901
capital facilities with, any governmental agency or nonprofit 32902
corporation having authority under law to own, lease, or operate 32903
the capital facilities. The director of the department or the 32904
commission may sublease the capital facilities to, and make other 32905

agreements with respect to the use or purchase of the capital 32906
facilities with, any such governmental agency or nonprofit 32907
corporation, which agreements may include provisions for 32908
transmittal of receipts of the agency or nonprofit corporation of 32909
any charges for the use of the facilities, all upon such terms and 32910
conditions as the parties may agree upon and subject to any other 32911
provision of law affecting the leasing, acquisition, or 32912
disposition of capital facilities by the parties. 32913

Section 263.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 32914
MANAGEMENT 32915

The Director of Budget and Management shall authorize both of 32916
the following: 32917

(A) The initial release of moneys for projects from the funds 32918
into which proceeds of direct obligations of the state are 32919
deposited; and 32920

(B) The expenditure or encumbrance of moneys from funds into 32921
which proceeds of direct obligations are deposited, but only after 32922
determining to the director's satisfaction that either of the 32923
following applies: 32924

(1) The application of the moneys to the particular project 32925
will not negatively affect any exemption or exclusion from federal 32926
income tax of the interest or interest equivalent on obligations 32927
issued to provide moneys to the particular fund. 32928

(2) Moneys for the project will come from the proceeds of 32929
obligations, the interest on which is not so excluded or exempt 32930
and which have been authorized as "taxable obligations" by the 32931
issuing authority. 32932

The director shall report any nonrelease of moneys pursuant 32933
to this section to the Governor, to the Speaker of the House of 32934
Representatives, to the President of the Senate, and to the agency 32935

for the use of which the project is intended. 32936

Section 265.10. SCHOOL FACILITIES ENCUMBRANCES AND 32937
REAPPROPRIATION 32938

At the request of the Executive Director of the Ohio School 32939
Facilities Commission, the Director of Budget and Management may 32940
cancel encumbrances for school district projects from a previous 32941
biennium if the district has not raised its local share of project 32942
costs within one year after receiving Controlling Board approval 32943
in accordance with section 3318.05 of the Revised Code. The 32944
Executive Director of the Ohio School Facilities Commission shall 32945
certify the amounts of these canceled encumbrances to the Director 32946
of Budget and Management on a quarterly basis. The amounts of the 32947
canceled encumbrances are hereby appropriated. 32948

Section 267.10. CERTIFICATE OF NEED REQUIREMENT 32949

An appropriation for a health care facility authorized under 32950
this act may not be released until the requirements of sections 32951
3702.51 to 3702.62 of the Revised Code have been met. 32952

Section 269.10. DISTRIBUTION OF PROCEEDS FROM ASBESTOS 32953
ABATEMENT LITIGATION 32954

All proceeds received by the state as a result of litigation, 32955
judgments, settlements, or claims, filed by or on behalf of any 32956
state agency, as defined by section 1.60 of the Revised Code, or 32957
state-supported or state-assisted institution of higher education, 32958
for damages or costs resulting from the use, removal, or hazard 32959
abatement of asbestos materials shall be deposited in the Asbestos 32960
Abatement Distribution Fund (Fund 6740). All funds deposited into 32961
the Asbestos Abatement Distribution Fund are hereby appropriated 32962
to the Attorney General. To the extent practicable, the proceeds 32963
placed in the Asbestos Abatement Distribution Fund shall be 32964

divided among the state agencies and state-supported or 32965
state-assisted institutions of higher education in accordance with 32966
the general provisions of the litigation regarding the percentage 32967
of recovery. Distribution of the proceeds to each state agency or 32968
state-supported or state-assisted institution of higher education 32969
shall be made in accordance with the Asbestos Abatement 32970
Distribution Plan to be developed by the Attorney General, the 32971
General Services Division within the Department of Administrative 32972
Services, and the Office of Budget and Management. 32973

In those circumstances where asbestos litigation proceeds are 32974
for reimbursement of expenditures made with funds outside the 32975
state treasury or damages to buildings not constructed with state 32976
appropriations, direct payments shall be made to the affected 32977
institutions of higher education. Any proceeds received for 32978
reimbursement of expenditures made with funds within the state 32979
treasury or damages to buildings occupied by state agencies shall 32980
be distributed to the affected agencies with an intrastate 32981
transfer voucher to the funds identified in the Asbestos Abatement 32982
Distribution Plan. 32983

These proceeds shall be used for additional asbestos 32984
abatement or encapsulation projects, or for other capital 32985
improvements, except that proceeds distributed to the General 32986
Revenue Fund and other funds that are not bond improvement funds 32987
may be used for any purpose. The Controlling Board may, for bond 32988
improvement funds, create appropriation items or increase 32989
appropriation authority in existing appropriation items equaling 32990
the amount of the proceeds. The amounts approved by the 32991
Controlling Board are hereby appropriated. The proceeds deposited 32992
in bond improvement funds shall not be expended until released by 32993
the Controlling Board, which shall require certification by the 32994
Director of Budget and Management that the proceeds are sufficient 32995
and available to fund the additional anticipated expenditures. 32996

Section 271.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 32997
REVISED CODE 32998

The capital improvements for which appropriations are made in 32999
this act from the Third Frontier Research and Development Fund 33000
(Fund 7011), the Job Ready Site Development Fund (Fund 7012), the 33001
Ohio Parks and Natural Resources Fund (Fund 7031), the School 33002
Building Program Assistance Fund (Fund 7032), the Higher Education 33003
Improvement Fund (Fund 7034), the State Capital Improvements Fund 33004
(Fund 7038), the Clean Ohio Conservation Fund (Fund 7056), the 33005
Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean 33006
Ohio Trail Fund (Fund 7061) are determined to be capital 33007
improvements and capital facilities for research and development, 33008
preparation of sites, natural resources, a statewide system of 33009
common schools, state-supported and state-assisted institutions of 33010
higher education, local subdivision capital improvement projects, 33011
and conservation purposes (under the Clean Ohio Program) and are 33012
designated as capital facilities to which proceeds of obligations 33013
issued under Chapter 151. of the Revised Code are to be applied. 33014
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Section 273.10. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 33016
REVISED CODE 33017

The capital improvements for which appropriations are made in 33018
this act from the Highway Safety Building Fund (Fund 7025), the 33019
Administrative Building Fund (Fund 7026), the Adult Correctional 33020
Building Fund (Fund 7027), the Juvenile Correctional Building Fund 33021
(Fund 7028), and the Transportation Building Fund (Fund 7029) are 33022
determined to be capital improvements and capital facilities for 33023
housing state agencies and branches of state government and are 33024
designated as capital facilities to which proceeds of obligations 33025
issued under Chapter 152. of the Revised Code are to be applied. 33026

Section 273.20. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 33027
REVISED CODE 33028

The capital improvements for which appropriations are made in 33029
this act from the Cultural and Sports Facilities Building Fund 33030
(Fund 7030), the Mental Health Facilities Improvement Fund (Fund 33031
7033), and the Parks and Recreation Improvement Fund (Fund 7035) 33032
are determined to be capital improvements and capital facilities 33033
for housing state agencies and branches of government, mental 33034
hygiene and retardation, and parks and recreation and are 33035
designated as capital facilities to which proceeds of obligations 33036
issued under Chapter 154. of the Revised Code are to be applied. 33037

Section 275.10. TRANSFER OF OPEN ENCUMBRANCES 33038

Upon the request of the agency to which a capital project 33039
appropriation item is appropriated, the Director of Budget and 33040
Management may transfer open encumbrance amounts between separate 33041
encumbrances for the project appropriation item to the extent that 33042
any reductions in encumbrances are agreed to by the contracting 33043
vendor and the agency. 33044

Section 277.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE 33045
BUILDING FUND 33046

Any proceeds received by the state as the result of 33047
litigation or a settlement agreement related to any liability for 33048
the planning, design, engineering, construction, or construction 33049
management of facilities operated by the Department of 33050
Administrative Services shall be deposited into the Administrative 33051
Building Fund (Fund 7026). 33052

Section 279.10. COAL RESEARCH AND DEVELOPMENT BONDS 33053

The Ohio Public Facilities Commission, upon the request of 33054

the Director of the Ohio Coal Development Office with the advice 33055
of the Technical Advisory Committee created in section 1551.35 of 33056
the Revised Code and with the approval of the Director of the Air 33057
Quality Development Authority, is hereby authorized to issue and 33058
sell, in accordance with Section 15 of Article VIII, Ohio 33059
Constitution, and Chapter 151. of the Revised Code, and 33060
particularly sections 151.01 and 151.07 and other applicable 33061
sections of the Revised Code, bonds or other obligations of the 33062
state heretofore authorized by prior acts of the General Assembly. 33063
The obligations shall be issued, subject to applicable 33064
constitutional and statutory limitations, to provide sufficient 33065
moneys to the credit of the Coal Research and Development Fund 33066
created in section 1555.15 of the Revised Code to pay costs 33067
charged to the fund when due as estimated by the Director of the 33068
Ohio Coal Development Office. 33069

Section 281.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 33070

The Ohio Administrative Knowledge System (OAKS) shall be an 33071
enterprise resource planning system that replaces the state's 33072
central services infrastructure systems, including the Central 33073
Accounting System, the Human Resources/Payroll System, the Capital 33074
Improvements Projects Tracking System, the Fixed Assets Management 33075
System, and the Procurement System. The Department of 33076
Administrative Services, in conjunction with the Office of Budget 33077
and Management, may acquire the system, including, but not limited 33078
to, the enterprise resource planning software and installation and 33079
implementation thereof, pursuant to Chapter 125. of the Revised 33080
Code. Any lease-purchase arrangement utilized under Chapter 125. 33081
of the Revised Code, including any fractionalized interest therein 33082
as defined in division (N) of section 133.01 of the Revised Code, 33083
shall provide at the end of the lease period that OAKS shall 33084
become the property of the state. 33085

Section 283.10. Sections of this act prefixed with a section number in the 200s are and remain in full force and effect commencing on July 1, 2008, and terminating on June 30, 2010, for the purpose of drawing money from the state treasury in payment of liabilities lawfully incurred under those sections, and on June 30, 2010, and not before, the moneys hereby appropriated lapse into the funds from which they are severally appropriated. If, under Section 1c of Article II, Ohio Constitution, the sections of this act prefixed with a section number in the 200s do not take effect until after July 1, 2008, the sections are and remain in full force and effect commencing on that effective date.

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Section 503.10. GENERAL OBLIGATIONS ADJUSTMENTS TO REFLECT TOBACCO SECURITIZATION

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In accordance with divisions (A)(5) and (6) of Section 518.03 of H.B. 119 of the 127th General Assembly, the existing authorizations granted in prior acts of the General Assembly to issue and sell obligations under Section 2n of Article VIII, Ohio Constitution, to pay costs of facilities for (1) a system of common schools throughout the state is hereby reduced from \$4,145,000,000 to \$3,345,000,000, and (2) state-supported and state-assisted institutions of higher education is hereby reduced from \$2,957,000,000 to \$2,007,000,000.

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Section 503.20. OHIO DENTIST AND PHYSICIAN LOAN REPAYMENT PROGRAMS

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On July 1, 2008, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against the Board of Regents' appropriation item 235624, Ohio Dental Loan Repayment, and re-establish them against the Department of Health's appropriation item 440624, Ohio Dental

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Loan Repayment. The amounts of the re-established encumbrances are 33116
hereby appropriated. 33117

On July 1, 2008, or as soon as possible thereafter, the 33118
Chancellor of the Board of Regents shall certify to the Director 33119
of Budget and Management the amount of cash and any outstanding 33120
encumbrances for the Dentist and Physician Loan Repayment Programs 33121
remaining in the National Health Services Corps - Ohio Loan 33122
Repayment Fund (Fund 3T00). The Director of Budget and Management 33123
shall transfer this amount in cash from the National Health 33124
Services Corps - Ohio Loan Repayment Fund (Fund 3T00) to the 33125
Federal Public Health Programs Fund (Fund 3920). In addition, the 33126
Director of Budget and Management shall cancel the outstanding 33127
Dentist and Physician Loan Repayment Programs encumbrances in the 33128
National Health Services Corps - Ohio Loan Repayment Fund (Fund 33129
3T00) and re-establish these encumbrances in the Federal Public 33130
Health Programs Fund (Fund 3920). The amounts of the 33131
re-established encumbrances are hereby appropriated. 33132

On and after the effective date of this section, 33133
administration of the Dentist Loan Repayment Program is the 33134
responsibility of the Department of Health. 33135

Section 503.30. OHIO PHYSICIAN LOAN REPAYMENT PROGRAM 33136

On July 1, 2008, the Director of Budget and Management shall 33137
cancel any existing encumbrances against appropriation item 33138
235604, Physician Loan Repayment, and re-establish them against 33139
appropriation item 440628, Ohio Physician Loan Repayment. The 33140
amounts of the re-established encumbrances are hereby 33141
appropriated. 33142

On and after the effective date of this section, 33143
administration of the Physician Loan Repayment Program is the 33144
responsibility of the Department of Health. 33145

Section 515.10. SCHOOL FACILITIES COMMISSION REIMBURSEMENT 33146
FROM PROCEEDS OF TOBACCO SETTLEMENT BONDS 33147

Prior to January 1, 2009, the Executive Director of the Ohio 33148
School Facilities Commission shall report to the Director of 33149
Budget and Management the amount of funds expended between 33150
September 1, 2007, and June 30, 2008, from the Education 33151
Facilities Trust Fund (Fund N087) and from the Public School 33152
Building Fund (Fund 7021) that were eligible to be financed from 33153
the proceeds of the tax-exempt tobacco settlement bonds issued 33154
pursuant to section 183.51 of the Revised Code and were deposited 33155
into the School Building Program Assistance Fund (Fund 7032). Upon 33156
receipt of the report, the Director of Budget and Management may 33157
transfer cash, in the amount reported, from the tobacco settlement 33158
bond proceeds to each of the funds. Appropriations for the funds 33159
are hereby adjusted by the amounts of the cash transfers. 33160
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Section 515.20. CORRECTIVE CASH TRANSFER 33162

On the effective date of this section, or as soon as possible 33163
thereafter, the Director of Budget and Management may transfer 33164
\$34,549.45 in cash from the Coal Research and Development Bond 33165
Services Fund (Fund 7076) into the Coal Research and Development 33166
Fund (Fund 7046) to correct deposits that were mistakenly 33167
deposited into the Coal Research and Development Bond Services 33168
Fund (Fund 7076). 33169

Section 515.21. CORRECTIVE CASH TRANSFER 33170

On the effective date of this section, or as soon as possible 33171
thereafter, the Director of Budget and Management may transfer 33172
\$5,538.11 in cash from the Coal Research and Development Fund 33173
(Fund 7046) into the Coal Research and Development Bond Services 33174
Fund (Fund 7076) to correct deposits that were mistakenly 33175

deposited into the Coal Research and Development Fund (Fund 7046). 33176

Section 515.30. TRANSFER FROM THE GENERAL REIMBURSEMENT FUND 33177
TO THE PUBLIC HEALTH PRIORITY TRUST FUND 33178

Notwithstanding any provision of law to the contrary, on July 33179
1, 2008, or as soon as possible thereafter, the Director of Budget 33180
and Management shall transfer \$950,000 cash from the General 33181
Reimbursement Fund (Fund 1060) to the Public Health Priority Trust 33182
Fund (Fund L087). The amount transferred is hereby appropriated to 33183
appropriation item 440-432, Pneumococcal Vaccines for Children, in 33184
the Department of Health. 33185

Section 515.40. BUDGET STABILIZATION FUND TRANSFERS 33186

The Director of Budget and Management has directed the 33187
following agencies to reduce spending in the following General 33188
Revenue Fund appropriation items. Amounts listed in the first 33189
column are the reductions for fiscal year 2008 and amounts listed 33190
in the second column are the reductions for fiscal year 2009. 33191

Department of Agriculture 33192

700-403 Animal Disease	\$	36,540	\$	182,702	33193
Control					

700-410 Food Safety	\$	8,651	\$	43,255	33194
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Department of Health 33195

440-407 Animal Borne Disease	\$	80,000	\$	40,000	33196
and Prevention					

440-418 Immunization	\$	80,000	\$	40,000	33197
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Department of Rehabilitation and Correction 33198

503-321 Parole and Community	\$	1,327,100	\$	5,433,321	33199
Operations					

Department of Education 33200

200-503 Bus Purchase	\$	5,128,138	\$	676,200	33201
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Allowance

Department of Job and Family Services				33202
600-502 Child Support Match	\$	0	\$ 3,401,410	33203
Rehabilitation Services Commission				33204
415-431 Office of People with	\$	22,601	\$ 22,601	33205
Brain Injury				
Ohio School for the Blind				33206
226-100 Personal Services	\$	354,656	\$ 375,966	33207
Ohio School for the Deaf				33208
221-100 Personal Services	\$	438,768	\$ 463,193	33209
The Director of Budget and Management shall transfer				33210
\$7,476,454 cash in fiscal year 2008 and \$10,678,648 cash in fiscal				33211
year 2009 from the Budget Stabilization Fund to the General				33212
Revenue Fund to ensure the full amounts appropriated in Am. Sub.				33213
H.B. 119 of the 127th General Assembly to each of the foregoing				33214
appropriation items are available to the agencies for expenditure.				33215
				33216
Section 515.50. Notwithstanding division (A) of section				33217
169.05 of the Revised Code, on July 1, 2008, or as soon as				33218
possible thereafter, and upon the request of the Director of				33219
Budget and Management, the Director of Commerce shall transfer to				33220
the State Adoption Assistance Loan Fund, which is created in				33221
section 5101.143 of the Revised Code, \$500,000 of unclaimed funds				33222
that have been reported by holders of unclaimed funds under				33223
section 169.05 of the Revised Code, irrespective of the allocation				33224
of the unclaimed funds under that section. The amount transferred				33225
is hereby appropriated.				33226
Notwithstanding division (A) of section 169.05 of the Revised				33227
Code, on July 1, 2009, or as soon as possible thereafter, and upon				33228
the request of the Director of Budget and Management, the Director				33229

of Commerce shall transfer to the State Adoption Assistance Loan Fund, which is created in section 5101.143 of the Revised Code, \$500,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. The amount transferred is hereby appropriated.

The Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained.

Section 515.60. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING FUND TO TITLE DEFECT RESCISSION FUND

Notwithstanding any other provision of law to the contrary, on July 1, 2008, or as soon as practicable thereafter, the Director of Budget and Management shall transfer \$1,000,000 in cash from the Automated Title Processing Fund (Fund 8490) to the Title Defect Rescission Fund (Fund 4Y70).

Section 610.10. That Sections 315.10 and 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly be amended to read as follows:

Sec. 315.10. OHIO TURNPIKE COMMISSION NOISE MITIGATION PILOT PROJECT

~~There is hereby created the Community Resolution Fund, which shall be in the custody of the Treasurer of State but shall not be part of the state treasury.~~ Notwithstanding any other provision of law to the contrary, ~~on the first day of July in each of 2007 and 2008, or as soon as practicable thereafter in each of those years,~~ the Treasurer of State shall transfer cash in the amount of \$250,000 the Department of Transportation shall enter into an

agreement on a reimbursement basis with the Ohio Turnpike 33259
Commission for up to \$500,000 from the Highway Operating Fund 33260
~~(Fund 002) to the Community Resolution Fund. The Treasurer of~~ 33261
State Under the agreement, the Department of Transportation shall 33262
pay up to \$250,000 from the fund early in fiscal year 2008 and up 33263
to \$250,000 early from the fund in fiscal year 2009 to the Ohio 33264
Turnpike Commission, which shall use the money for the study and 33265
pilot program required by the this section. 33266

The Ohio Turnpike Commission shall perform a study of noise 33267
impact mitigation methods or techniques that may be used as an 33268
alternative to traditional sound barriers on the turnpike project. 33269
The study shall examine the viability of alternative noise impact 33270
mitigation methods or techniques that may be installed to 33271
alleviate traffic noise that is in excess of the criteria 33272
contained in the Ohio Department of Transportation's "Standard 33273
Procedures for the Analysis and Abatement of Highway Traffic 33274
Noise." After completing the study, but before ~~June 30~~ December 33275
31, 2008, the Ohio Turnpike Commission shall commence a pilot 33276
program utilizing one or more alternative noise impact mitigation 33277
methods or techniques examined in the study, and shall submit a 33278
report containing the results of the pilot program and projected 33279
costs of further implementation to the Turnpike Legislative Review 33280
Committee not later than ~~December~~ June 30, ~~2008~~ 2009. ~~After the~~ 33281
~~fiscal year 2009 payment of \$250,000 is made to the Ohio Turnpike~~ 33282
~~Commission, the Community Resolution Fund is abolished, and the~~ 33283
~~Treasurer of State shall transfer any cash balance that remains~~ 33284
~~credited to that fund to the Highway Operating Fund.~~ 33285

33286

Sec. 555.19. In fiscal year 2008, the Department of 33287
Transportation shall expend at least \$400,000 in the township 33288
having the largest ~~geographic area~~ population according to the 33289
most recent federal decennial census for a pilot program involving 33290

the installation and operation of a system of portable signal 33291
preemption devices. Use of the devices in the pilot program shall 33292
be in accordance with section 4511.031 of the Revised Code. The 33293
Department shall consult with appropriate township officials in 33294
implementing the pilot program. 33295

Section 610.11. That existing Sections 315.10 and 555.19 of 33296
Am. Sub. H.B. 67 of the 127th General Assembly are hereby 33297
repealed. 33298

Section 610.20. That Sections 203.10 and 203.50 of Am. Sub. 33299
H.B. 67 of the 127th General Assembly, as amended by Am. Sub. H.B. 33300
119 of the 127th General Assembly, be amended to read as follows: 33301
33302

Sec. 203.10. DOT DEPARTMENT OF TRANSPORTATION				33303
FUND	TITLE	FY 2008	FY 2009	33304
	Transportation Planning and Research			33305
	Highway Operating Fund Group			33306
002 771-411	Planning and Research	\$ 20,724,547	\$ 21,733,301	33307
	- State			
002 771-412	Planning and Research	\$ 29,996,363	\$ 30,264,923	33308
	- Federal			
	TOTAL HOF Highway Operating			33309
	Fund Group	\$ 50,720,910	\$ 51,998,224	33310
	TOTAL ALL BUDGET FUND GROUPS -			33311
	Transportation Planning			33312
	and Research	\$ 50,720,910	\$ 51,998,224	33313
	Highway Construction			33314
	Highway Operating Fund Group			33315
002 772-421	Highway Construction -	\$ 528,722,188	\$ 504,184,419	33316
	State			

002	772-422	Highway Construction -	\$ 1,103,979,148	\$ 1,086,733,759	33317
		Federal			
002	772-424	Highway Construction -	\$ 106,439,000	\$ 100,379,155	33318
		Other			
002	772-437	GARVEE Debt Service -	\$ 10,321,300	\$ 19,273,500	33319
		State			
002	772-438	GARVEE Debt Service -	\$ 113,915,900	\$ 139,015,000	33320
		Federal			
212	772-426	Highway Infrastructure	\$ 4,303,173	\$ 4,018,649	33321
		Bank - Federal			
212	772-427	Highway Infrastructure	\$ 8,268,315	\$ 10,209,272	33322
		Bank - State			
212	772-429	Highway Infrastructure	\$ 11,000,000	\$ 11,499,999	33323
		Bank - Local			
212	772-430	Infrastructure Debt	\$ 1,500,000	\$ 1,500,000	33324
		Reserve Title 23-49			
213	772-431	Roadway Infrastructure	\$ 1,000,000	\$ 1,000,000	33325
		Bank - State			
213	772-432	Roadway Infrastructure	\$ 6,000,000	\$ 6,000,000	33326
		Bank - Local			
213	772-433	Infrastructure Debt	\$ 2,000,000	\$ 2,000,000	33327
		Reserve - State			
TOTAL HOF Highway Operating					33328
Fund Group			\$ 1,897,449,024	\$ 1,885,813,753	33329
Highway Capital Improvement Fund Group					33330
042	772-723	Highway Construction -	\$ 200,000,000	\$ 100,000,000	33331
		Bonds			
TOTAL 042 Highway Capital			\$ 200,000,000	\$ 100,000,000	33332
Improvement Fund Group					
Infrastructure Bank Obligations Fund Group					33333
045	772-428	Highway Infrastructure	\$ 450,000,000	\$ 400,000,000	33334
		Bank - Bonds			

TOTAL 045 Infrastructure Bank				33335	
Obligations Fund Group	\$	450,000,000	\$	400,000,000	33336
TOTAL ALL BUDGET FUND GROUPS -				33337	
Highway Construction	\$	2,547,449,024	\$	2,385,813,753	33338
Highway Maintenance				33339	
Highway Operating Fund Group				33340	
002 773-431 Highway Maintenance -	\$	403,252,901	\$	417,915,187	33341
State					
TOTAL HOF Highway Operating				33342	
Fund Group	\$	403,252,901	\$	417,915,187	33343
				33344	
TOTAL ALL BUDGET FUND GROUPS -				33345	
Highway Maintenance	\$	403,252,901	\$	417,915,187	33346
<u>Transportation Infrastructure</u>				33347	
<u>State Special Revenue Fund Group</u>				33348	
5Z2 774-610 Motorist Service	\$	0	\$	11,200,000	33349
<u>Signs</u>					
<u>TOTAL SSR State Special Revenue</u>	\$	0	\$	11,200,000	33350
<u>Fund Group</u>					
<u>TOTAL ALL BUDGET FUND GROUPS -</u>	\$	0	\$	11,200,000	33351
<u>Transportation Infrastructure</u>					
Public Transportation				33352	
Highway Operating Fund Group				33353	
002 775-452 Public Transportation	\$	25,471,589	\$	30,391,763	33354
- Federal					
002 775-454 Public Transportation	\$	1,500,000	\$	1,500,000	33355
- Other					
002 775-459 Elderly and Disabled	\$	4,730,000	\$	4,730,000	33356
Special Equipment					
212 775-408 Transit Infrastructure	\$	2,500,000	\$	812,685	33357
Bank - Local					
212 775-455 Title 49	\$	476,485	\$	312,795	33358

	Infrastructure Bank -				
	State				
213	775-457 Transit Infrastructure	\$	500,000	\$	312,082
	Bank - State				33359
213	775-460 Transit Infrastructure	\$	1,000,000	\$	1,000,000
	Bank - Local				33360
TOTAL HOF	Highway Operating				33361
Fund Group		\$	36,178,074	\$	39,059,325
TOTAL ALL BUDGET FUND GROUPS -					33363
Public Transportation		\$	36,178,074	\$	39,059,325
	Rail Transportation				33364
					33365
Federal Special Revenue	<u>Fund</u> Group				33366
3B9	776-662 Rail Transportation -	\$	10,000	\$	10,000
	Federal				33367
TOTAL FED	Federal Special Revenue	\$	10,000	\$	10,000
Fund Group					33368
Highway Operating	Fund Group				33369
002	776-462 Grade Crossings -	\$	15,000,000	\$	15,000,000
	Federal				33370
TOTAL HOF	Highway Operating				33371
Fund Group		\$	15,000,000	\$	15,000,000
State Special Revenue	Fund Group				33373
4N4	776-663 Panhandle Lease	\$	762,500	\$	763,700
	Reserve Payments				33374
4N4	776-664 Rail Transportation -	\$	2,111,500	\$	2,111,500
	Other				33375
TOTAL SSR	State Special Revenue	\$	2,874,000	\$	2,875,200
Fund Group					33376
TOTAL ALL BUDGET FUND GROUPS -					33377
Rail Transportation		\$	17,884,000	\$	17,885,200
	Aviation				33379
State Special Revenue	Fund Group				33380

5W9 777-615	County Airport	\$	570,000	\$	570,000	33381
	Maintenance					
TOTAL SSR	State Special Revenue	\$	570,000	\$	570,000	33382
Fund Group						
Highway Operating	Fund Group					33383
002 777-472	Airport Improvements -	\$	405,000	\$	405,000	33384
	Federal					
002 777-475	Aviation	\$	5,210,000	\$	5,358,100	33385
	Administration					
213 777-477	Aviation	\$	2,000,000	\$	3,500,000	33386
	Infrastructure Bank -					
	State					
213 777-478	Aviation	\$	5,996,118	\$	6,000,000	33387
	Infrastructure Bank -					
	Local					
TOTAL HOF	Highway Operating					33388
Fund Group		\$	13,611,118	\$	15,263,100	33389
TOTAL ALL BUDGET	FUND GROUPS -					33390
Aviation		\$	14,181,118	\$	15,833,100	33391
	Administration					33392
Highway Operating	Fund Group					33393
002 779-491	Administration - State	\$	120,262,864	\$	122,601,493	33394
TOTAL HOF	Highway Operating					33395
Fund Group		\$	120,262,864	\$	122,601,493	33396
TOTAL ALL BUDGET	FUND GROUPS -					33397
Administration		\$	120,262,864	\$	122,601,493	33398
	Debt Service					33399
Highway Operating	Fund Group					33400
002 770-003	Administration - State	\$	10,555,300	\$	3,614,700	33401
	- Debt Service					
TOTAL HOF	Highway Operating					33402
Fund Group		\$	10,555,300	\$	3,614,700	33403

TOTAL ALL BUDGET FUND GROUPS -				33404	
Debt Service	\$	10,555,300	\$	3,614,700	33405
TOTAL Department of Transportation				33406	
TOTAL FED Federal Special Revenue	\$	10,000	\$	10,000	33407
Fund Group					
TOTAL HOF Highway Operating					33408
Fund Group	\$	2,547,030,191	\$	2,551,265,782	33409
TOTAL 042 Highway Capital					33410
Improvement Fund Group	\$	200,000,000	\$	100,000,000	33411
TOTAL 045 Infrastructure Bank					33412
Obligations Fund Group	\$	450,000,000	\$	400,000,000	33413
TOTAL SSR State Special Revenue	\$	3,444,000	\$	3,445,200	33414
Fund Group				<u>14,645,200</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	3,200,484,191	\$	3,054,720,982	33415
				<u>3,065,920,982</u>	

DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 33416

Pursuant to section 121.51 of the Revised Code, the Director 33417
of Budget and Management, in conjunction with the Inspector 33418
General, shall prepare a schedule to transfer the necessary 33419
amounts from the Highway Operating Fund to the Deputy Inspector 33420
General for ODOT Fund to pay for the activities of the Deputy 33421
Inspector General. The amounts transferred are hereby 33422
appropriated. 33423

Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES 33424

Of the foregoing appropriation item 772-421, Highway 33425
Construction - State, \$5,000,000 shall be used in each fiscal year 33426
during the fiscal year 2008-2009 biennium by the Department of 33427
Transportation for the construction, reconstruction, or 33428
maintenance of public access roads, including support features, to 33429
and within state facilities owned or operated by the Department of 33430
Natural Resources. 33431

Notwithstanding section 5511.06 of the Revised Code, of the 33432
foregoing appropriation item 772-421, Highway Construction - 33433
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 33434
biennium shall be used by the Department of Transportation for the 33435
construction, reconstruction, or maintenance of park drives or 33436
park roads within the boundaries of metropolitan parks. 33437

Included in the foregoing appropriation item 772-421, Highway 33438
Construction - State, the department may perform related road work 33439
on behalf of the Ohio Expositions Commission at the state 33440
fairgrounds, including reconstruction or maintenance of public 33441
access roads and support features, to and within fairground 33442
facilities as requested by the commission and approved by the 33443
Director of Transportation. 33444

HIGHWAY CONSTRUCTION - FEDERAL 33445

Of the foregoing appropriation item 772-422, Highway 33446
Construction - Federal, \$200,000 in fiscal year 2008 shall be used 33447
for the Cleveland Metropolitan Park District West Creek Project. 33448

PUBLIC SCHOOL ENTRANCE IMPROVEMENTS 33449

Of the foregoing appropriation item 779-491, 33450
Administration-State, \$4,000,000 in fiscal year 2008~~7~~ shall be 33451
used by the Department of Transportation to make grants available 33452
for state highway improvements at public school entrances under 33453
the following conditions: 33454

(A) The school is receiving assistance from the Ohio School 33455
Facilities Commission for the renovation or construction of new 33456
school facilities. 33457

(B) The state highway improvements are to be made at 33458
entrances within school zones. 33459

Grant awards shall be limited to \$500,000 per school 33460
district, and are contingent on local government officials or the 33461

participating school district, or both, matching 25 per cent of 33462
the improvement cost. 33463

LIQUIDATION OF UNFORESEEN LIABILITIES 33464

Any appropriation made to the Department of Transportation, 33465
Highway Operating Fund, not otherwise restricted by law, is 33466
available to liquidate unforeseen liabilities arising from 33467
contractual agreements of prior years when the prior year 33468
encumbrance is insufficient. 33469

Section 610.21. That existing Sections 203.10 and 203.50 of 33470
Am. Sub. H.B. 67 of the 127th General Assembly, as amended by Am. 33471
Sub. H.B. 119 of the 127th General Assembly, is hereby repealed. 33472
33473

Section 610.30. That Sections 201.10 and 512.70 of Am. Sub. 33474
H.B. 100 of the 127th General Assembly be amended to read as 33475
follows: 33476

Sec. 201.10. All items in this section are hereby 33477
appropriated out of any moneys in the state treasury to the credit 33478
of the designated fund. For all appropriations made in ~~this act~~ 33479
Am. Sub. H.B. 100 of the 127th General Assembly, those in the 33480
first column are for fiscal year 2008, and those in the second 33481
column are for fiscal year 2009. 33482

FND AI	AI TITLE	Appropriations	33483
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	BWC BUREAU OF WORKERS' COMPENSATION	33484
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Workers' Compensation Fund Group	33485
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023 855-401 William Green Lease	\$ 20,436,600	\$ 20,686,500	33486
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Payments to OBA

023 855-407 Claims, Risk & Medical	\$ 140,367,719	\$ 140,367,719	33487
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Management

023 855-408 Fraud Prevention	\$ 11,772,551	\$ 11,772,551	33488
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023	855-409	Administrative Services	\$	122,962,388	\$	122,962,388	33489
023	855-410	Attorney General Payments	\$	4,444,085	\$	4,444,085	33490
822	855-606	Coal Workers' Fund	\$	91,894	\$	91,894	33491
823	855-608	Marine Industry	\$	53,952	\$	53,952	33492
825	855-605	Disabled Workers Relief Fund	\$	488,282	\$	492,500	33493
826	855-609	Safety & Hygiene Operating	\$	20,734,750	\$	20,734,750	33494
826	855-610	Safety Grants Program	\$	4,000,000	\$	4,000,000 <u>6,500,000</u>	33495
829	855-604	Long Term Care Loan Program	\$	2,000,000	\$	2,000,000	33496
TOTAL WCF Workers' Compensation							33497
Fund Group			\$	327,352,221	\$	327,606,339 <u>330,106,339</u>	33498
Federal Special Revenue Fund Group							33499
349	855-601	OSHA Enforcement	\$	1,604,140	\$	1,604,140	33500
TOTAL FED Federal Special Revenue Fund Group			\$	1,604,140	\$	1,604,140	33501
TOTAL ALL BUDGET FUND GROUPS			\$	328,956,361	\$	329,210,479 <u>331,710,479</u>	33502
WILLIAM GREEN LEASE PAYMENTS							33503
The foregoing appropriation item 855-401, William Green Lease							33504
Payments to OBA, shall be used for lease payments to the Ohio							33505
Building Authority, and these appropriations shall be used to meet							33506
all payments at the times they are required to be made during the							33507
period from July 1, 2007, to June 30, 2009, by the Bureau of							33508
Workers' Compensation to the Ohio Building Authority pursuant to							33509
leases and agreements made under Chapter 152. of the Revised Code							33510
and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly.							33511

Of the amounts received in Fund 023, appropriation item 855-401, 33512
William Green Lease Payments to OBA, up to \$41,123,100 shall be 33513
restricted for lease rental payments to the Ohio Building 33514
Authority. If it is determined that additional appropriations are 33515
necessary for such purpose, such amounts are hereby appropriated. 33516

Notwithstanding any other provision of law to the contrary, 33517
all tenants of the William Green Building not funded by the 33518
Workers' Compensation Fund (Fund 023) shall pay their fair share 33519
of the costs of lease payments to the Workers' Compensation Fund 33520
(Fund 023) by intrastate transfer voucher. 33521

WORKERS' COMPENSATION FRAUD UNIT 33522

The Workers' Compensation Section Fund (Fund 195) shall 33523
receive payments from the Bureau of Workers' Compensation at the 33524
beginning of each quarter of each fiscal year to fund expenses of 33525
the Workers' Compensation Fraud Unit of the Attorney General's 33526
Office. Of the foregoing appropriation item 855-410, Attorney 33527
General Payments, \$796,346 in fiscal year 2008 and \$796,346 in 33528
fiscal year 2009 shall be used to provide these payments. 33529

SAFETY AND HYGIENE 33530

Notwithstanding section 4121.37 of the Revised Code, the 33531
Administrator of Workers' Compensation shall transfer moneys from 33532
the State Insurance Fund so that appropriation item 855-609, 33533
Safety and Hygiene Operating, is provided \$20,734,750 in fiscal 33534
year 2008 and \$20,734,750 in fiscal year 2009. 33535

OSHA ON-SITE CONSULTATION PROGRAM 33536

The Bureau of Workers' Compensation may designate a portion 33537
of appropriation item 855-609, Safety and Hygiene Operating, to be 33538
used to match federal funding for the federal Occupational Safety 33539
and Health Administration's (OSHA) on-site consultation program. 33540

VOCATIONAL REHABILITATION 33541

The Bureau of Workers' Compensation and the Rehabilitation Services Commission shall enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. The bureau shall provide \$605,407 in fiscal year 2008 and \$605,407 in fiscal year 2009 from the State Insurance Fund to fund vocational rehabilitation services and staff in accordance with the interagency agreement.

FUND BALANCE

Any unencumbered cash balance in excess of \$45,000,000 in the Workers' Compensation Fund (Fund 023) on the thirtieth day of June of each fiscal year shall be used to reduce the administrative cost rate charged to employers to cover appropriations for Bureau of Workers' Compensation operations.

HOLDING ACCOUNT

On July 1, 2007, or as soon as possible thereafter, the Director of Budget and Management shall transfer the remaining cash balance in the Camera Center Fund (Fund R46) to the Administrative Fund (Fund 023). After the transfer, the Camera Center Fund is abolished.

Sec. 512.70. The Administrator of Workers' Compensation shall completely transition from use of the Micro Insurance Reserve Analysis System to a different system or different version of that system to determine the reserves for use in establishing premium rates assessed for the purposes of Chapter 4121., 4123., 4127., or 4131. of the Revised Code on or before ~~June 30~~ July 1, 2008. A contract between the Administrator and a vendor for the System in existence on the effective date of this section shall expire in accordance with the terms of the contract, and the Administrator may renew or extend that contract only for a period of time that does not extend past June 30, 2008.

The Administrator shall transition to a reserve analysis system that is characterized as transparent in nature and for that purpose of transparency, satisfies both of the following criteria:

(A) The manner in which the system uses data can be understood in general terms by employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and other persons interested in use of the system;

(B) The type of data the system uses in making reserve analysis can be explained to employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and other persons interested in use of the system.

The Administrator shall communicate information describing the manner in which the new reserve analysis system uses data and the type of data the system uses in making reserve analysis to employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and to any other persons who request such information.

Section 610.31. That existing Sections 201.10 and 512.70 of Am. Sub. H.B. 100 of the 127th General Assembly are hereby repealed.

Section 610.40. That Sections 207.20.50, 207.20.70, 207.30.10, 207.30.20, 207.30.30, 219.10, 235.10, 261.10, 263.10, 263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 307.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 337.40.15, 369.10, 375.10, 379.10, 393.10, 405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General Assembly be amended to read as follows:

Sec. 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM

Effective with the implementation of the Multi-Agency Radio 33601
Communications System, the ~~State Chief Information Officer~~ 33602
Department of Administrative Services shall collect user fees from 33603
participants in the system. ~~The~~ Under the direction of the 33604
Director of Administrative Services, the State Chief Information 33605
Officer, with the advice of the Multi-Agency Radio Communications 33606
System Steering Committee and the Director of Budget and 33607
Management, shall determine the amount of the fees and the manner 33608
by which the fees shall be collected. Such user charges shall 33609
comply with the applicable cost principles issued by the federal 33610
Office of Management and Budget. All moneys from user charges and 33611
fees shall be deposited in the state treasury to the credit of the 33612
Multi-Agency Radio Communications System Administration Fund (Fund 33613
5C2), which is hereby established in the state treasury. All 33614
interest income derived from the investment of the fund shall 33615
accrue to the fund. 33616

Sec. 207.20.70. OAKS SUPPORT ORGANIZATION 33617

The foregoing appropriation item 100-635, OAKS Support 33618
Organization, shall be used by the ~~Office of Information~~ 33619
~~Technology~~ Department of Administrative Services to support the 33620
operating costs associated with the implementation and maintenance 33621
of the state's enterprise resource planning system, OAKS, 33622
consistent with its responsibilities under this section and 33623
Chapters 125. and 126. of the Revised Code. The OAKS Support 33624
Organization shall operate and maintain the human capital 33625
management and financial management modules of the state's 33626
enterprise resource planning system to support statewide human 33627
resources and financial management activities administered by the 33628
Department of Administrative Services' human resources division 33629
and the Office of Budget and Management. The OAKS Support 33630
Organization shall recover the costs to establish, operate, and 33631
maintain the OAKS system through intrastate transfer voucher 33632

billings to the Department of Administrative Services and the 33633
Office of Budget and Management. Effective July 1, 2007, the 33634
Department of Administrative Services, with the approval of the 33635
Director of Budget and Management, shall include the recovery of 33636
the costs of administering the human capital management module of 33637
the OAKS System within the human resources services payroll rate. 33638
These revenues shall be deposited to the credit of the Human 33639
Resources Services Fund (Fund 125). Amounts deposited under this 33640
section are hereby appropriated to appropriation item 100-622, 33641
Human Resources Division-Operating. Not less than quarterly, the 33642
Department of Administrative Services shall process the intrastate 33643
transfer billings to transfer cash from the Human Resources 33644
Services Fund (Fund 125) to the OAKS Support Organization Fund 33645
(Fund 5EB) to pay for the OAKS Support Organization costs. 33646

Sec. 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND 33647

(A) As used in this section, "Ohio Business Gateway" refers 33648
to the internet-based system operated by the ~~Office of Information~~ 33649
~~Technology~~ Department of Administrative Services with the advice 33650
of the Ohio Business Gateway Steering Committee established under 33651
section 5703.57 of the Revised Code. The Ohio Business Gateway is 33652
established to provide businesses a central web site where various 33653
filings and payments are submitted on-line to government. The 33654
information is then distributed to the various government entities 33655
that interact with the business community. 33656

(B) As used in this section: 33657

(1) "State Portal" refers to the official web site of the 33658
state, operated by the ~~Office of Information Technology~~ Department 33659
of Administrative Services. 33660

(2) "Shared Hosting Environment" refers to the computerized 33661
system operated by the ~~Office of Information Technology~~ Department 33662
of Administrative Services for the purpose of providing capability 33663

for state agencies to host web sites. 33664

(C) There is hereby created in the state treasury the 33665
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 33666
appropriation item 100-634, Centralized Gateway Enhancements, 33667
shall be used by the ~~Office of Information Technology~~ Department 33668
of Administrative Services to pay the costs of enhancing, 33669
expanding, and operating the infrastructure of the Ohio Business 33670
Gateway, State Portal, and Shared Hosting Environment. ~~The~~ Under 33671
the direction of the Director of Administrative Services, the 33672
State Chief Information Officer shall submit periodic spending 33673
plans to the Director of Budget and Management to justify 33674
operating transfers to the fund from the General Revenue Fund. 33675
Upon approval, the Director of Budget and Management shall 33676
transfer approved amounts to the fund, not to exceed the amount of 33677
the annual appropriation in each fiscal year. The spending plans 33678
may be based on the recommendations of the Ohio Business Gateway 33679
Steering Committee or its successor. 33680

Sec. 207.30.20. MAJOR IT PURCHASES AND CONTRACTS 33681

The Director of Administrative Services shall, on the 33682
effective date of this amendment, replace the Director and Chief 33683
Information Officer of the Office of Information Technology in all 33684
contracts executed pursuant to section 125.18 of the Revised Code 33685
and in matters relating to those contracts. Contracts entered into 33686
prior to the effective date of this amendment shall remain in full 33687
force and effect. 33688

Under the direction of the Director of Administrative 33689
Services, the State Chief Information Officer shall compute the 33690
amount of revenue attributable to the amortization of all 33691
equipment purchases and capitalized systems from appropriation 33692
item 100-607, IT ~~Service~~ Services Delivery; appropriation item 33693
100-617, Major IT Purchases; and appropriation item CAP-837, Major 33694

IT Purchases, which is recovered by the Office of Information 33695
Technology as part of the rates charged by the IT Service Delivery 33696
Fund (Fund 133) created in section 125.15 of the Revised Code. The 33697
Director of Budget and Management may transfer cash in an amount 33698
not to exceed the amount of amortization computed from the IT 33699
Service Delivery Fund (Fund 133) to the Major IT Purchases Fund 33700
(Fund 4N6). 33701

On or before June 30, 2008, any unencumbered amounts of the 33702
foregoing appropriation item 100-607, IT Services Delivery, that 33703
are attributable to implementation of the NextGen Network for 33704
fiscal year 2008 are hereby appropriated for the same purpose for 33705
fiscal year 2009. 33706

Sec. 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT 33707

The Under the direction of the Director of Administrative 33708
Services, the State Chief Information Officer, with the approval 33709
of the Director of Budget and Management, may establish an 33710
information technology assessment for the purpose of recovering 33711
the cost of selected infrastructure and statewide programs. Such 33712
assessment shall comply with applicable cost principles issued by 33713
the federal Office of Management and Budget. The information 33714
technology assessment shall be charged to all organized bodies, 33715
offices, or agencies established by the laws of the state for the 33716
exercise of any function of state government except for the 33717
General Assembly, any legislative agency, the Supreme Court, the 33718
other courts of record in Ohio, or any judicial agency, the 33719
Adjutant General, the Bureau of Workers' Compensation, and 33720
institutions administered by a board of trustees. Any state-entity 33721
exempted by this section may utilize the infrastructure or 33722
statewide program by participating in the information technology 33723
assessment. All charges for the information technology assessment 33724
shall be deposited to the credit of the IT Governance Fund (Fund 33725

229).					33726
	Sec. 219.10.	ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION			33727
	SERVICES				33728
	General Revenue Fund				33729
GRF	038-321	Operating Expenses	\$ 1,071,861	\$ 1,071,861	33730
GRF	038-401	Treatment Services	\$ 38,661,063	\$ 41,661,063	33731
GRF	038-404	Prevention Services	\$ 1,052,127	\$ 1,552,127	33732
TOTAL GRF		General Revenue Fund	\$ 40,785,051	\$ 44,285,051	33733
	General Services Fund				33734
5T9	038-616	Problem Gambling	\$ 285,000	\$ 285,000	33735
		Services			
TOTAL GSF		General Services Fund	\$ 285,000	\$ 285,000	33736
	Group				
	Federal Special Revenue Fund Group				33737
3G3	038-603	Drug Free Schools	\$ 3,500,000	\$ 3,500,000	33738
3G4	038-614	Substance Abuse Block	\$ 73,000,000	\$ 73,000,000	33739
		Grant			
3H8	038-609	Demonstration Grants	\$ 7,093,075	\$ 7,093,075	33740
3J8	038-610	Medicaid	\$ 46,000,000	\$ 46,000,000	33741
3N8	038-611	Administrative	\$ 500,000	\$ 500,000	33742
		Reimbursement			
TOTAL FED		Federal Special Revenue			33743
Fund Group			\$ 130,093,075	\$ 130,093,075	33744
	State Special Revenue Fund Group				33745
475	038-621	Statewide Treatment	\$ 18,000,000	\$ 18,000,000	33746
		and Prevention			
5BR	038-406	Tobacco Use	\$ 205,000	\$ 205,000	33747
		Prevention and			
		Control Program			
5DH	038-620	Fetal Alcohol	\$ 327,500	\$ 327,500	33748

		Spectrum Disorder				
689	038-604	Education and	\$	350,000	\$	350,000 33749
		Conferences				
		TOTAL SSR State Special Revenue				33750
		Fund Group	\$	18,882,500	\$	18,882,500 33751
		TOTAL ALL BUDGET FUND GROUPS	\$	190,045,626	\$	193,545,626 33752
		TREATMENT SERVICES				33753
		Of the foregoing appropriation item 038-401, Treatment				33754
		Services, not more than \$8,190,000 shall be used by the Department				33755
		of Alcohol and Drug Addiction Services for program grants for				33756
		priority populations in each year of the biennium.				33757
		SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN				33758
		Of the foregoing appropriation item 038-401, Treatment				33759
		Services, \$4 million in each fiscal year shall be used to provide				33760
		substance abuse services to families involved in the child welfare				33761
		system under the requirements of Am. Sub. H.B. 484 of the 122nd				33762
		General Assembly.				33763
		THERAPEUTIC COMMUNITIES				33764
		Of the foregoing appropriation item 038-401, Treatment				33765
		Services, \$750,000 shall be used in each fiscal year for the				33766
		Therapeutic Communities Program in the Department of				33767
		Rehabilitation and Correction.				33768
		JUVENILE AFTERCARE PROGRAM				33769
		Of the foregoing appropriation item 038-401, Treatment				33770
		Services, \$2,500,000 shall be used in fiscal year 2009 for the				33771
		Juvenile Aftercare Program to provide community-based alcohol and				33772
		other drug treatment to parolees from the Department of Youth				33773
		Services.				33774
		<u>SERVICES FOR TANF ELIGIBLE INDIVIDUALS</u>				33775
		Of the foregoing appropriation item 038-401, Treatment				33776

Services, \$5 million in each fiscal year shall be used for				33777
TANF-eligible expenses for substance abuse <u>prevention</u> and				33778
treatment services to children or their families whose income is				33779
at or below 200 per cent of the federal poverty level.				33780
INTERNAL REVIEW				33781
The Director of Alcohol and Drug Addiction Services shall				33782
consult with the Director of Budget and Management and				33783
representatives of local and county alcohol and drug addiction				33784
services agencies to conduct an internal review of policies and				33785
procedures to increase efficiency and identify and eliminate				33786
duplicative practices. Any savings identified as a result of the				33787
internal review shall be used for community-based care.				33788
The Director of Alcohol and Drug Addiction Services shall				33789
seek Controlling Board approval before expending any funds				33790
identified as a result of the internal review.				33791
Sec. 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				33792
General Revenue Fund				33793
GRF 874-100 Personal Services	\$	2,057,000	\$ 2,057,000	33794
			<u>2,201,612</u>	
GRF 874-320 Maintenance and	\$	1,085,837	\$ 1,080,837	33795
Equipment				
TOTAL GRF General Revenue Fund	\$	3,142,837	\$ 3,137,837	33796
			<u>3,282,449</u>	
General Services Fund Group				33797
4G5 874-603 Capitol Square	\$	15,000	\$ 15,000	33798
Education Center and				
Arts				
4S7 874-602 Statehouse Gift	\$	650,484	\$ 650,484	33799
Shop/Events				
TOTAL GSF General Services				33800

Fund Group	\$	665,484	\$	665,484	33801
Underground Parking Garage					33802
208 874-601 Underground Parking	\$	2,706,993	\$	2,706,993	33803
Garage Operations		<u>2,754,993</u>		<u>2,754,993</u>	
TOTAL UPG Underground Parking					33804
Garage	\$	2,706,993	\$	2,706,993	33805
		<u>2,754,993</u>		<u>2,754,993</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	6,515,314	\$	6,510,314	33806
		<u>6,563,314</u>		<u>6,702,926</u>	

WAREHOUSE PAYMENTS 33807

Of the foregoing appropriation item 874-601, Underground 33808
Parking Garage Operations, \$48,000 in each fiscal year shall be 33809
used to meet all payments at the times they are required to be 33810
made during the period from July 1, 2007, to June 30, 2009, by the 33811
Capitol Square Review and Advisory Board to the Ohio Building 33812
Authority for bond service charges relating to the purchase and 33813
improvement of a warehouse in which to store items of the Capitol 33814
Collection Trust and, whenever necessary, equipment or other 33815
property of the Board. 33816

Sec. 261.10. BDP BOARD OF DEPOSIT 33817

General Services Fund Group					33818
4M2 974-601 Board of Deposit	\$	1,676,000	\$	1,676,000	33819
TOTAL GSF General Services Fund					33820
Group	\$	1,676,000	\$	1,676,000	33821
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$	1,676,000	33822

BOARD OF DEPOSIT EXPENSE FUND 33823

Upon receiving certification of expenses from the Treasurer 33824
of State, the Director of Budget and Management shall transfer 33825
cash from the Investment Earnings Redistribution Fund (Fund 608) 33826
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 33827

shall be used pursuant to section 135.02 of the Revised Code to 33828
pay for any and all necessary expenses of the Board of Deposit or 33829
for banking charges and fees required for the operation of the 33830
State of Ohio Regular Account. 33831

Sec. 263.10. DEV DEPARTMENT OF DEVELOPMENT 33832

General Revenue Fund 33833

GRF 195-401 Thomas Edison Program \$ 19,404,838 \$ 17,978,483 33834

GRF 195-404 Small Business \$ 1,740,722 \$ 1,792,944 33835

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,627,700 33836

Development Division

GRF 195-407 Travel and Tourism \$ 1,800,000 \$ 1,800,000 33837

GRF 195-410 Defense Conversion \$ 5,000,000 \$ 0 33838

Assistance

GRF 195-412 Rapid Outreach Grants \$ 10,750,000 \$ 10,000,000 33839

GRF 195-415 Economic Development \$ 5,894,975 \$ 6,071,824 33840

Division and Regional

Offices

GRF 195-416 Governor's Office of \$ 4,746,043 \$ 4,746,043 33841

Appalachia

GRF 195-422 Third Frontier Action \$ 18,790,000 \$ 16,790,000 33842

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 309,000 33843

Implementation

GRF 195-432 International Trade \$ 4,650,501 \$ 4,650,501 33844

GRF 195-434 Investment in \$ 12,227,500 \$ 12,594,325 33845

Training Grants

GRF 195-436 Labor/Management \$ 836,225 \$ 836,225 33846

Cooperation

GRF 195-497 CDBG Operating Match \$ 1,072,184 \$ 1,072,184 33847

GRF 195-498 State Match Energy \$ 96,820 \$ 96,820 33848

GRF	195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482	33849
GRF	195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208	33850
GRF	195-507	Travel and Tourism Grants	\$	1,130,000	\$	1,115,000 <u>1,165,000</u>	33851
GRF	195-516	Shovel Ready Sites	\$	1,000,000	\$	1,000,000	33852
GRF	195-520	Ohio Main Street Program	\$	750,000	\$	250,000	33853
GRF	195-521	Discover Ohio!	\$	7,182,845	\$	8,182,845	33854
GRF	195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400	33855
GRF	195-912	Job Ready Site Development General Obligation Debt Service	\$	4,359,400	\$	8,232,500	33856
TOTAL GRF	General Revenue Fund		\$	118,307,534	\$	124,315,484 <u>124,365,484</u>	33857
General Services Fund Group							33858
135	195-684	Supportive Services	\$	11,699,404	\$	11,321,444	33859
5AD	195-667	Investment in Training Expansion	\$	2,000,000	\$	0	33860
5AD	195-668	Workforce Guarantee Program	\$	1,000,000	\$	0	33861
5AD	195-677	Economic Development Contingency	\$	5,000,000	\$	24,400,000	33862
5W5	195-690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000	33863
5W6	195-691	International Trade Cooperative Projects	\$	300,000	\$	300,000	33864

685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000	33865
		Expenditures					
		TOTAL GSF General Services Fund					33866
		Group	\$	21,149,404	\$	37,171,444	33867
		Federal Special Revenue Fund Group					33868
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000	33869
		Initiatives					
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000	33870
		Assistance					
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000	33871
		Block Grant					
3K9	195-611	Home Energy	\$	110,000,000	\$	110,000,000	33872
		Assistance Block					
		Grant					
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	33873
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	33874
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	33875
308	195-602	Appalachian Regional	\$	475,000	\$	475,000	33876
		Commission					
308	195-603	Housing and Urban	\$	6,000,000	\$	6,000,000	33877
		Development					
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	33878
308	195-609	Small Business	\$	4,296,381	\$	4,396,381	33879
		Administration					
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	33880
335	195-610	Energy Conservation	\$	2,200,000	\$	2,200,000	33881
		and Emerging					
		Technology					
		TOTAL FED Federal Special Revenue					33882
		Fund Group	\$	356,446,281	\$	326,566,381	33883
		State Special Revenue Fund Group					33884

4F2	195-639	State Special Projects	\$	518,393	\$	518,393	33885
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	33886
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	33887
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	33888
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	33889
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	33890
451	195-625	Economic Development Financing Operating	\$	3,233,311	\$	3,233,311	33891
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	33892
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	33893
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	33894
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	33895
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	33896
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	33897
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	33898
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	33899
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	33900
TOTAL SSR		State Special Revenue					33901
Fund Group			\$	334,641,556	\$	330,141,556	33902
Facilities Establishment		Fund Group					33903

009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	33904
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	33905
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	33906
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	33907
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	33908
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	33909
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	33910
TOTAL 037 Facilities Establishment Fund Group							33911
							\$ 224,475,000 \$ 224,475,000 33912
Clean Ohio Revitalization Fund							33913
003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000	33914
TOTAL 003 Clean Ohio Revitalization Fund							\$ 625,000 \$ 550,000 33915
Third Frontier Research & Development Fund Group							33916
011	195-686	Third Frontier Operating	\$	1,932,056	\$	1,932,056	33917
011	195-687	Third Frontier Research & Development Projects	\$	94,000,000	\$	72,000,000	33918
014	195-692	Research & Development Taxable Bond Projects	\$	28,000,000	\$	28,000,000	33919
TOTAL 011 Third Frontier Research & Development Fund Group							\$ 123,932,056 \$ 101,932,056 33920
Job Ready Site Development Fund Group							33921
012	195-688	Job Ready Site	\$	1,246,155	\$	1,246,155	33922

Operating			
TOTAL 012 Job Ready Site	\$	1,246,155	\$ 1,246,155 33923
Development Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	1,180,822,986	\$ 1,146,398,076 33924
			<u>1,146,448,076</u>

Sec. 263.20.10. TRAVEL AND TOURISM GRANTS 33926

The foregoing appropriation item 195-507, Travel and Tourism 33927
Grants, shall be used to provide grants to local organizations to 33928
support various local travel and tourism events in Ohio. 33929

Of the foregoing appropriation item 195-507, Travel and 33930
Tourism Grants, \$50,000 in each fiscal year shall be used for the 33931
Cleveland Film Bureau. 33932

Of the foregoing appropriation item 195-507, Travel and 33933
Tourism Grants, \$50,000 in each fiscal year shall be used for the 33934
Cincinnati Film Bureau. 33935

Of the foregoing appropriation item 195-507, Travel and 33936
Tourism Grants, \$500,000 in each fiscal year shall be used for 33937
grants to The International Center for the Preservation of Wild 33938
Animals. 33939

Of the foregoing appropriation item 195-507, Travel and 33940
Tourism Grants, \$50,000 in each fiscal year shall be used for the 33941
Greater Cleveland Sports Commission. 33942

Of the foregoing appropriation item 195-507, Travel and 33943
Tourism Grants, \$50,000 in each fiscal year shall be used for the 33944
Greater Columbus Sports Commission. 33945

Of the foregoing appropriation item 195-507, Travel and 33946
Tourism Grants, \$50,000 in each fiscal year ~~2008~~ shall be used for 33947
the Ohio Alliance of Science Centers. 33948

Of the foregoing appropriation item 195-507, Travel and 33949
Tourism Grants, \$100,000 in each fiscal year shall be used for the 33950

Harbor Heritage Society/Great Lakes Science Center in support of 33951
operations of the Steamship William G. Mather Maritime Museum, and 33952
\$100,000 in each fiscal year shall be used for the Great Lakes 33953
Historical Society. 33954

Of the foregoing appropriation item 195-507, Travel and 33955
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 33956
Ohio Junior Angus Association to assist with costs associated with 33957
hosting the Eastern Regional Junior Angus Show in June 2009. 33958

Of the foregoing appropriation item 195-507, Travel and 33959
Tourism Grants, \$60,000 in each fiscal year shall be used for the 33960
Ohio River Trails program. 33961

Of the foregoing appropriation item 195-507, Travel and 33962
Tourism Grants, \$60,000 in each fiscal year shall be used to 33963
support the outdoor drama "Tecumseh!" 33964

Of the foregoing appropriation item 195-507, Travel and 33965
Tourism Grants, \$25,000 in each fiscal year shall be used for 33966
Ohio's Appalachian Country. 33967

Of the foregoing appropriation item 195-507, Travel and 33968
Tourism Grants, \$25,000 in each fiscal year shall be used for the 33969
Garst Museum. 33970

Of the foregoing appropriation item 195-507, Travel and 33971
Tourism Grants, \$10,000 in each fiscal year shall be used for the 33972
Pro Football Hall of Fame Festival. 33973

Sec. 263.20.80. FACILITIES ESTABLISHMENT FUND 33974

The foregoing appropriation item 195-615, Facilities 33975
Establishment (Fund 037), shall be used for the purposes of the 33976
Facilities Establishment Fund under Chapter 166. of the Revised 33977
Code. 33978

Notwithstanding Chapter 166. of the Revised Code, an amount 33979
not to exceed \$1,800,000 in cash each fiscal year may be 33980

transferred from the Facilities Establishment Fund (Fund 037) to 33981
the Economic Development Financing Operating Fund (Fund 451). The 33982
transfer is subject to Controlling Board approval under division 33983
(B) of section 166.03 of the Revised Code. 33984

Notwithstanding Chapter 166. of the Revised Code, an amount 33985
not to exceed \$5,475,000 in cash each fiscal year may be 33986
transferred during the biennium from the Facilities Establishment 33987
Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) 33988
for the purpose of removing barriers to urban core redevelopment. 33989
The Director of Development shall develop program guidelines for 33990
the transfer and release of funds, including, but not limited to, 33991
the completion of all appropriate environmental assessments before 33992
state assistance is committed to a project. The transfers shall be 33993
subject to approval by the Controlling Board upon the submission 33994
of a request by the Department of Development. 33995

Notwithstanding Chapter 166. of the Revised Code, an amount 33996
not to exceed \$3,000,000 in cash each fiscal year may be 33997
transferred from the Facilities Establishment Fund (Fund 037) to 33998
the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is 33999
subject to Controlling Board approval under section 166.03 of the 34000
Revised Code. 34001

Notwithstanding Chapter 166. of the Revised Code, of the 34002
foregoing appropriation item 195-615, Facilities Establishment, 34003
\$1,500,000 in fiscal year 2008 shall be used for business 34004
development by any current or future port authority located in 34005
Clark County. 34006

Notwithstanding Chapter 166. of the Revised Code, on July 1, 34007
2007, or as soon as possible thereafter, the Director of Budget 34008
and Management, at the request of the Director of Development, 34009
shall transfer \$5,719,325 cash from the Facilities Establishment 34010
Fund (Fund 037) to the General Revenue Fund. Of the amount to be 34011
transferred, \$5,352,500 in fiscal year 2008 is hereby appropriated 34012

in appropriation item 195-412, Rapid Outreach Grants, and \$366,825 34013
in fiscal year 2008 is hereby appropriated in appropriation item 34014
195-434, Investment in Training Grants. 34015

Notwithstanding Chapter 166. of the Revised Code, on July 1, 34016
2008, or as soon as possible thereafter, the Director of Budget 34017
and Management may transfer up to \$2,000,000 cash from the 34018
Facilities Establishment Fund (Fund 037) to the Workforce 34019
Development Initiatives Fund (Fund 3AE). 34020

Notwithstanding Chapter 166. of the Revised Code, on July 1, 34021
2008, or as soon as possible thereafter, the Director of Budget 34022
and Management, at the request of the Director of Development, 34023
shall transfer \$6,102,500 cash from the Facilities Establishment 34024
Fund (Fund 037) to the General Revenue Fund. The amount 34025
transferred is hereby appropriated in appropriation item 195-412, 34026
Rapid Outreach Grants, for fiscal year 2009. 34027

Notwithstanding Chapter 166. of the Revised Code, on the 34028
first day of July of each year of the biennium, or as soon as 34029
possible thereafter, the Director of Budget and Management, at the 34030
request of the Director of Development, shall transfer \$4,275,000 34031
cash from the Facilities Establishment Fund (Fund 037) to the Job 34032
Development Initiatives Fund (Fund 5AD). The amount transferred is 34033
hereby appropriated in each fiscal year in appropriation item 34034
195-677, Economic Development Contingency. 34035

Notwithstanding Chapter 166. of the Revised Code, of the 34036
foregoing appropriation item 195-615, Facilities Establishment, 34037
\$1,500,000 in fiscal year 2008 shall be used for the City of 34038
Toledo's Marina District Development project. Disbursement of 34039
funds for this purpose shall not take precedence over any existing 34040
obligations from the Facilities Establishment Fund or any other 34041
provision in this section. 34042

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 34043

Notwithstanding Chapter 166. of the Revised Code, an amount 34044
not to exceed \$1,000,000 in cash each fiscal year shall be 34045
transferred from moneys in the Facilities Establishment Fund (Fund 34046
037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) 34047
in the Department of Development. 34048

RURAL DEVELOPMENT INITIATIVE FUND 34049

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 34050
entitled to receive moneys from the Facilities Establishment Fund 34051
(Fund 037). The Director of Development may make grants from the 34052
Rural Development Initiative Fund as specified in division (A)(2) 34053
of this section to eligible applicants in Appalachian counties and 34054
in rural counties in the state that are designated as distressed 34055
under section 122.25 of the Revised Code. Preference shall be 34056
given to eligible applicants located in Appalachian counties 34057
designated as distressed by the federal Appalachian Regional 34058
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 34059
cease to exist after June 30, 2009. All moneys remaining in the 34060
Fund after that date shall revert to the Facilities Establishment 34061
Fund (Fund 037). 34062

(2) The Director of Development shall make grants from the 34063
Rural Development Initiative Fund (Fund 5S8) only to eligible 34064
applicants who also qualify for and receive funding under the 34065
Rural Industrial Park Loan Program as specified in sections 122.23 34066
to 122.27 of the Revised Code. Eligible applicants shall use the 34067
grants for the purposes specified in section 122.24 of the Revised 34068
Code. All projects supported by grants from the fund are subject 34069
to Chapter 4115. of the Revised Code as specified in division (E) 34070
of section 166.02 of the Revised Code. The Director shall develop 34071
program guidelines for the transfer and release of funds. The 34072
release of grant moneys to an eligible applicant is subject to 34073
Controlling Board approval. 34074

(B) Notwithstanding Chapter 166. of the Revised Code, the 34075

Director of Budget and Management may transfer an amount not to 34076
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 34077
at the request of the Director of Development from the Facilities 34078
Establishment Fund (Fund 037) to the Rural Development Initiative 34079
Fund (Fund 5S8). The transfer is subject to Controlling Board 34080
approval under section 166.03 of the Revised Code. 34081

CAPITAL ACCESS LOAN PROGRAM 34082

The foregoing appropriation item 195-628, Capital Access Loan 34083
Program, shall be used for operating, program, and administrative 34084
expenses of the program. Funds of the Capital Access Loan Program 34085
shall be used to assist participating financial institutions in 34086
making program loans to eligible businesses that face barriers in 34087
accessing working capital and obtaining fixed-asset financing. 34088

Notwithstanding Chapter 166. of the Revised Code, the 34089
Director of Budget and Management may transfer an amount not to 34090
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 34091
at the request of the Director of Development from the Facilities 34092
Establishment Fund (Fund 037) to the Capital Access Loan Program 34093
Fund (Fund 5S9). The transfer is subject to Controlling Board 34094
approval under section 166.03 of the Revised Code. 34095

Sec. 263.30.10. UNCLAIMED FUNDS TRANSFER 34096

(A) Notwithstanding division (A) of section 169.05 of the 34097
Revised Code, upon the request of the Director of Budget and 34098
Management, the Director of Commerce, prior to June 30, 2008, 34099
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 34100
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 34101
that have been reported by the holders of unclaimed funds under 34102
section 169.05 of the Revised Code, regardless of the allocation 34103
of the unclaimed funds described under that section. 34104

Notwithstanding division (A) of section 169.05 of the Revised 34105

Code, upon the request of the Director of Budget and Management, 34106
the Director of Commerce, prior to June 30, 2009, shall transfer 34107
to the Job Development Initiatives Fund (Fund 5AD) an amount not 34108
to exceed \$24,400,000 in cash of the unclaimed funds that have 34109
been reported by the holders of unclaimed funds under section 34110
169.05 of the Revised Code, regardless of the allocation of the 34111
unclaimed funds described under that section. 34112

(B) Notwithstanding division (A) of section 169.05 of the 34113
Revised Code, upon the request of the Director of Budget and 34114
Management, the Director of Commerce, prior to June 30, 2008, 34115
shall transfer to the State Special Projects Fund (Fund 4F2) an 34116
amount not to exceed ~~\$2,500,000~~ \$5,000,000 of the unclaimed funds 34117
that have been reported by the holders of unclaimed funds under 34118
section 169.05 of the Revised Code, regardless of the allocation 34119
of the unclaimed funds described under that section. 34120

Notwithstanding division (A) of section 169.05 of the Revised 34121
Code, upon the request of the Director of Budget and Management, 34122
the Director of Commerce, prior to June 30, 2009, shall transfer 34123
to the State Special Projects Fund (Fund 4F2) an amount not to 34124
exceed ~~\$2,500,000~~ \$1,000,000 in cash of the unclaimed funds that 34125
have been reported by the holders of unclaimed funds under section 34126
169.05 of the Revised Code, regardless of the allocation of the 34127
unclaimed funds described under that section. 34128

Sec. 269.30.30. GIFTED PUPIL PROGRAM 34129

The foregoing appropriation item 200-521, Gifted Pupil 34130
Program, shall be used for gifted education units not to exceed 34131
1,110 in each fiscal year under division (L) of section 3317.024 34132
and division (F) of section 3317.05 of the Revised Code. 34133

Of the foregoing appropriation item 200-521, Gifted Pupil 34134
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 34135
in fiscal year 2009 may be used as an additional supplement for 34136

identifying gifted students under Chapter 3324. of the Revised Code. 34137
34138

Of the foregoing appropriation item 200-521, Gifted Pupil Program, the Department of Education may expend up to \$1,015,858 in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for the Summer Honors Institute, including funding for the Martin Essex Program, which shall be awarded through a request for proposals process. 34139
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NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 34145

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding the per pupil reimbursement limit of section 3317.063 of the Revised Code, the Department shall distribute any unspent and unencumbered funds remaining in each fiscal year after all other obligations of this appropriation have been met to chartered nonpublic schools in proportion to each school's share of the total reimbursement provided under section 3317.063 of the Revised Code. 34146
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Sec. 269.30.70. FOUNDATION FUNDING 34156

The foregoing appropriation item 200-550, Foundation Funding, includes \$75,000,000 in each fiscal year for the state education aid offset due to the change in public utility valuation as a result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd General Assembly. This amount represents the total state education aid offset due to the valuation change for school districts and joint vocational school districts from all relevant appropriation line item sources. Upon certification by the Department of Education, in consultation with the Department of Taxation, to the Director of Budget and Management of the actual state aid offset, the cash transfer from Fund 053, appropriation item 200-900, 34157
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School District Property Tax Replacement - Utility, shall be 34168
decreased or increased by the Director of Budget and Management to 34169
match the certification in accordance with section 5727.84 of the 34170
Revised Code. 34171

The foregoing appropriation item 200-550, Foundation Funding, 34172
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 34173
fiscal year 2009 for the state education aid offset because of the 34174
changes in tangible personal property valuation as a result of Am. 34175
Sub. H.B. 66 of the 126th General Assembly. This amount represents 34176
the total state education aid offset because of the valuation 34177
change for school districts and joint vocational school districts 34178
from all relevant appropriation item sources. Upon certification 34179
by the Department of Education of the actual state education aid 34180
offset to the Director of Budget and Management, the cash transfer 34181
from Fund 047, appropriation item 200-909, School District 34182
Property Tax Replacement - Business, shall be decreased or 34183
increased by the Director of Budget and Management to match the 34184
certification in accordance with section 5751.21 of the Revised 34185
Code. 34186

Of the foregoing appropriation item 200-550, Foundation 34187
Funding, up to \$425,000 shall be expended in each fiscal year for 34188
court payments under section ~~2151.357~~ 2151.362 of the Revised 34189
Code; an amount shall be available in each fiscal year to fund up 34190
to 225 full-time equivalent approved GRADS teacher grants under 34191
division (N) of section 3317.024 of the Revised Code; an amount 34192
shall be available in each fiscal year to make payments to school 34193
districts under division (A)(3) of section 3317.022 of the Revised 34194
Code; an amount shall be available in each fiscal year to make 34195
payments to school districts under division (F) of section 34196
3317.022 of the Revised Code; and up to \$30,000,000 in each fiscal 34197
year shall be reserved for payments under sections 3317.026, 34198
3317.027, and 3317.028 of the Revised Code except that the 34199

Controlling Board may increase the \$30,000,000 amount if presented 34200
with such a request from the Department of Education. 34201

Of the foregoing appropriation item 200-550, Foundation 34202
Funding, up to \$19,770,000 in fiscal year 2008 and up to 34203
\$20,545,200 in fiscal year 2009 shall be used to provide 34204
additional state aid to school districts for special education 34205
students under division (C)(3) of section 3317.022 of the Revised 34206
Code, except that the Controlling Board may increase these amounts 34207
if presented with such a request from the Department of Education 34208
at the final meeting of the fiscal year; up to \$2,000,000 in each 34209
fiscal year shall be reserved for Youth Services tuition payments 34210
under section 3317.024 of the Revised Code; and up to \$52,000,000 34211
in each fiscal year shall be reserved to fund the state 34212
reimbursement of educational service centers under section 3317.11 34213
of the Revised Code and the section of ~~this act~~ Am. Sub. H.B. 119 34214
of the 127th General Assembly entitled "EDUCATIONAL SERVICE 34215
CENTERS FUNDING." An amount shall be available for special 34216
education weighted funding under division (C)(1) of section 34217
3317.022 and division (D)(1) of section 3317.16 of the Revised 34218
Code. 34219

Of the foregoing appropriation item 200-550, Foundation 34220
Funding, an amount shall be available in each fiscal year to be 34221
used by the Department of Education for transitional aid for 34222
school districts and joint vocational school districts. Funds 34223
shall be distributed under the sections of ~~this act~~ Am. Sub. H.B. 34224
119 of the 127th General Assembly entitled "TRANSITIONAL AID FOR 34225
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and 34226
"TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 34227

Of the foregoing appropriation item 200-550, Foundation 34228
Funding, up to \$1,000,000 in each fiscal year shall be used by the 34229
Department of Education for a program to pay for educational 34230
services for youth who have been assigned by a juvenile court or 34231

other authorized agency to any of the facilities described in 34232
division (A) of the section of ~~this act~~ Am. Sub. H.B. 119 of the 34233
127th General Assembly entitled "PRIVATE TREATMENT FACILITY 34234
PROJECT." 34235

Of the foregoing appropriation item 200-550, Foundation 34236
Funding, up to \$3,700,000 in each fiscal year shall be used for 34237
school breakfast programs. Of this amount, up to \$900,000 shall be 34238
used in each fiscal year by the Department of Education to 34239
contract with the Children's Hunger Alliance to expand access to 34240
child nutrition programs consistent with the organization's 34241
continued ability to meet specified performance measures as 34242
detailed in the contract. Of this amount, the Children's Hunger 34243
Alliance shall use at least \$150,000 in each fiscal year to 34244
subcontract with an appropriate organization or organizations to 34245
expand summer food participation in underserved areas of the 34246
state, consistent with those organizations' continued ability to 34247
meet specified performance measures as detailed in the 34248
subcontracts. The remainder of the appropriation shall be used to 34249
partially reimburse school buildings within school districts that 34250
are required to have a school breakfast program under section 34251
3313.813 of the Revised Code, at a rate decided by the Department. 34252

Of the foregoing appropriation item 200-550, Foundation 34253
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 34254
in fiscal year 2009 shall be used to operate the school choice 34255
program in the Cleveland Municipal School District under sections 34256
3313.974 to 3313.979 of the Revised Code. 34257

Of the portion of the funds distributed to the Cleveland 34258
Municipal School District under this section, up to \$11,901,887 in 34259
each fiscal year shall be used to operate the school choice 34260
program in the Cleveland Municipal School District under sections 34261
3313.974 to 3313.979 of the Revised Code. 34262

Of the foregoing appropriation item 200-550, Foundation 34263

Funding, \$3,312,165 in each fiscal year shall be used in 34264
conjunction with funding appropriated under appropriation item 34265
200-431, School Improvement Initiatives, to help support districts 34266
in the development and implementation of their continuous 34267
improvements plans and provide technical assistance and support in 34268
accordance with Title I of the "No Child Left Behind Act of 2001." 34269

The remaining portion of appropriation item 200-550, 34270
Foundation Funding, shall be expended for the public schools of 34271
city, local, exempted village, and joint vocational school 34272
districts, including base-cost funding, special education speech 34273
service enhancement funding, career-technical education weight 34274
funding, career-technical education associated service funding, 34275
teacher training and experience funding, charge-off supplement, 34276
and excess cost supplement under sections 3317.022, 3317.023, 34277
3317.0216, and 3317.16 of the Revised Code. 34278

Appropriation items 200-502, Pupil Transportation, 200-521, 34279
Gifted Pupil Program, 200-540, Special Education Enhancements, and 34280
200-550, Foundation Funding, other than specific set-asides, are 34281
collectively used in each fiscal year to pay state formula aid 34282
obligations for school districts and joint vocational school 34283
districts under Chapter 3317. of the Revised Code. The first 34284
priority of these appropriation items, with the exception of 34285
specific set-asides, is to fund state formula aid obligations 34286
under Chapter 3317. of the Revised Code. It may be necessary to 34287
reallocate funds among these appropriation items or use excess 34288
funds from other general revenue fund appropriation items in the 34289
Department of Education's budget in each fiscal year, in order to 34290
meet state formula aid obligations. If it is determined that it is 34291
necessary to transfer funds among these appropriation items or to 34292
transfer funds from other General Revenue Fund appropriations in 34293
the Department of Education's budget to meet state formula aid 34294
obligations, the Department of Education shall seek approval from 34295

the Controlling Board to transfer funds as needed. 34296

Sec. 269.40.50. START-UP FUNDS 34297

Funds appropriated for the purpose of providing start-up 34298
grants to Title IV-A Head Start and Title IV-A Head Start Plus 34299
agencies in fiscal year 2004 and fiscal year 2005 for the 34300
provision of services to children eligible for Title IV-A services 34301
under the Title IV-A Head Start or Title IV-A Head Start Plus 34302
programs shall be reimbursed to the General Revenue Fund as 34303
follows: 34304

(A) If, for fiscal year 2008, an entity that was a Title IV-A 34305
Head Start or Title IV-A Head Start Plus agency will not be an 34306
early learning agency or early learning provider, the entity shall 34307
repay the entire amount of the start-up grant it received in 34308
fiscal year 2004 and fiscal year 2005 not later than June 30, ~~2009~~ 34309
2019, in accordance with a payment schedule agreed to by the 34310
Department of Education. 34311

(B) If an entity that was a Title IV-A Head Start or Title 34312
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 34313
2005 will be an early learning agency or early learning provider 34314
in fiscal year 2008 and fiscal year 2009, the entity shall be 34315
allowed to retain any amount of the start-up grant it received, 34316
unless division (D) of this section applies to the entity. In that 34317
case, the entity shall repay the entire amount of the obligation 34318
described in that division not later than June 30, 2019. 34319

(C) Within ninety days after ~~the effective date of this~~ 34320
~~section~~ the effective date of this amendment, the Title IV-A Head 34321
Start agencies, Title IV-A Head Start Plus agencies, and the 34322
Department of Education shall determine the repayment schedule for 34323
amounts owed under division (A) of this section. These amounts 34324
shall be paid to the state not later than June 30, ~~2009~~ 2019. 34325

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(D) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 owed the state any portion of the start-up grant amount during fiscal year 2006 or fiscal year 2007 but failed to repay the entire amount of the obligation by June 30, 2007, the entity shall be given an extension for repayment through June 30, ~~2009~~ 2019, before any amounts remaining due and payable to the state are referred to the Attorney General for collection under section 131.02 of the Revised Code.

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus start-up grants that are retained by early learning agencies or early learning providers pursuant to this section shall be reimbursed to the General Revenue Fund when the early learning program ceases or is no longer funded from Title IV-A or if an early learning agency's or early learning provider's participation in the early learning program ceases or is terminated.

Sec. 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING

(A) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) "Service center ADM" has the same meaning as in section 3317.11 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(B) Notwithstanding division (F) of section 3317.11 of the Revised Code, no funds shall be provided under that division to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was

entered into by January 1, 1997, except that funds shall be 34357
provided to an educational service center for any pupils of a city 34358
school district if the agreement to provide services was entered 34359
into within one year of the date upon which such district changed 34360
from a local school district to a city school district. 34361

If an educational service center that entered into an 34362
agreement by January 1, 1997, with a city or exempted village 34363
school district to provide services under section 3313.843 of the 34364
Revised Code ceases to operate because all of the local school 34365
districts that constituted the territory of the service center 34366
have severed from the service center pursuant to section 3311.059 34367
of the Revised Code, another educational service center, by 34368
resolution of its governing board, may assume the obligations of 34369
the original service center to provide services to the city or 34370
exempted village school district under that agreement in fiscal 34371
year 2009. If that other service center assumes those obligations 34372
to provide services to the city or exempted village school 34373
district, that service center shall be considered to be the 34374
service center that entered into the agreement by January 1, 1997, 34375
and, accordingly, may receive funds under division (F) of section 34376
3317.11 of the Revised Code in accordance with this section in 34377
fiscal year 2009 for pupils of that city or exempted village 34378
school district. 34379

(C) Notwithstanding any provision of the Revised Code to the 34380
contrary, an educational service center that sponsors a community 34381
school under Chapter 3314. of the Revised Code in either fiscal 34382
year may include the students of that community school in its 34383
service center ADM for purposes of state funding under division 34384
(F) of section 3317.11 of the Revised Code, unless the community 34385
school is an Internet- or computer-based community school. A 34386
service center shall include the community school students in its 34387
service center ADM only to the extent that the students are not 34388

already so included, and only in accordance with guidelines issued 34389
by the Department of Education. If the students of a community 34390
school sponsored by an educational service center are included in 34391
the service center ADM of another educational service center, 34392
those students shall be removed from the service center ADM of the 34393
other educational service center and added to the service center 34394
ADM of the community school's sponsoring service center. The 34395
General Assembly authorizes this procedure as an incentive for 34396
educational service centers to take over sponsorship of community 34397
schools from the State Board of Education as the State Board's 34398
sponsorship is phased out in accordance with Sub. H.B. 364 of the 34399
124th General Assembly. No student of an Internet- or 34400
computer-based community school shall be counted in the service 34401
center ADM of any educational service center. The Department shall 34402
pay educational service centers under division (F) of section 34403
3317.11 of the Revised Code for community school students included 34404
in their service center ADMs under this division only if 34405
sufficient funds earmarked within appropriation item 200-550, 34406
Foundation Funding, for payments under that division remain after 34407
first paying for students attributable to their local and client 34408
school districts, in accordance with divisions (B) and ~~(D)~~(E) of 34409
this section. 34410

(D) Notwithstanding division (C) of section 3326.45 of the 34411
Revised Code, the Department shall pay educational service centers 34412
under division (H) of section 3317.11 of the Revised Code for 34413
services provided to STEM schools only if sufficient funds 34414
earmarked within appropriation item 200-550, Foundation Funding, 34415
for payments under that division remain after first paying for 34416
students attributable to the local and client school districts of 34417
the service centers and for community school students in their 34418
service center ADMs, in accordance with divisions (B), (C), and 34419
(E) of this section. 34420

(E) If insufficient funds are earmarked within appropriation 34421
item 200-550, Foundation Funding, for payments under ~~division~~ 34422
divisions (F) and (H) of section 3317.11 of the Revised Code and 34423
division (C) of this section in fiscal year 2008 or fiscal year 34424
2009, the Department shall prioritize the distribution of the 34425
earmarked funds as follows: 34426

(1) The Department shall first distribute to each educational 34427
service center the per-student amount specified in division (F) of 34428
section 3317.11 of the Revised Code for each student in its 34429
service center ADM attributable to the local school districts 34430
within the service center's territory. 34431

(2) The Department shall distribute the remaining funds in 34432
each fiscal year to each educational service center for the 34433
students in its service center ADM attributable to each city and 34434
exempted village school district that had entered into an 34435
agreement with an educational service center for that fiscal year 34436
under section 3313.843 of the Revised Code by January 1, 1997, up 34437
to the per-student amount specified in division (F) of section 34438
3317.11 of the Revised Code. If insufficient funds remain to pay 34439
each service center the full amount specified in division (F) of 34440
that section for each such student, the Department shall 34441
distribute the remaining funds to each service center 34442
proportionally, on a per-student basis for each such student, 34443
unless that proportional per-student amount exceeds the amount 34444
specified in division (F)(1) of that section. In that case, the 34445
Department shall distribute the per-student amount specified in 34446
division (F)(1) of that section to each service center for each 34447
such student and shall distribute the remainder proportionally, on 34448
a per-student basis for each such student, to the multi-county 34449
service centers described in division (F)(2) of that section. 34450

(3) If the Department has paid each service center under 34451
divisions ~~(D)~~(E)(1) and (2) of this section, the full amount 34452

specified in division (F) of section 3317.11 of the Revised Code 34453
for each student attributable to its local school districts and 34454
its client school districts described in division ~~(D)~~(E)(2) of 34455
this section the Department shall distribute any remaining funds 34456
proportionally, on a per-student basis, to each service center 34457
that sponsors a community school, other than an Internet- or 34458
computer-based community school, for the students included in the 34459
service center ADM under division (C) of this section. These 34460
payments shall not exceed per student the amount specified in 34461
division (F) of section 3317.11 of the Revised Code. 34462

(4) If the Department has paid each educational service 34463
center that sponsors a community school, other than an Internet- 34464
or computer-based community school, the full amount specified in 34465
division (F) of section 3317.11 of the Revised Code for each 34466
community school student included in the service center ADM under 34467
division (C) of this section, the Department shall distribute any 34468
remaining funds to each service center that is owed money under 34469
division (H) of section 3317.11 of the Revised Code for services 34470
provided to a STEM school. If insufficient funds remain to pay 34471
each service center the full amount calculated for it under 34472
division (H) of section 3317.11 of the Revised Code, the 34473
Department shall distribute the remaining funds proportionally, on 34474
a per-student basis, to each service center owed money under that 34475
division, unless that proportional per-student amount exceeds the 34476
per-student amount specified in any service center's contract 34477
entered into under section 3326.45 of the Revised Code. In that 34478
case, the Department shall distribute the lowest per-student 34479
amount specified in the service center contracts entered into 34480
under that section to each service center owed money under 34481
division (H) of section 3317.11 of the Revised Code and shall 34482
distribute the remainder proportionally, on a per-student basis, 34483
to service centers with contracts under section 3326.45 of the 34484
Revised Code that specify higher per-student amounts, but in no 34485

case shall the payments to any service center exceed the 34486
per-student amount specified in the service center's contract with 34487
the STEM school. 34488

Sec. 275.10. PAY EMPLOYEE BENEFITS FUNDS 34489

Accrued Leave Liability Fund Group 34490

806 995-666 Accrued Leave Fund \$ 69,584,560 \$ 76,038,787 34491

807 995-667 Disability Fund \$ 40,104,713 \$ 39,309,838 34492

TOTAL ALF Accrued Leave Liability 34493

Fund Group \$ 109,689,273 \$ 115,348,625 34494

Agency Fund Group 34495

124 995-673 Payroll Deductions \$ 2,125,000,000 \$ 2,175,000,000 34496

808 995-668 State Employee Health \$ 499,240,000 \$ 550,922,742 34497

Benefit Fund

809 995-669 Dependent Care \$ 2,969,635 \$ 2,969,635 34498

Spending Account

810 995-670 Life Insurance \$ 2,113,589 \$ 2,229,834 34499

Investment Fund

811 995-671 Parental Leave \$ 3,994,806 \$ 4,234,495 34500

Benefit Fund

813 995-672 Health Care Spending \$ 12,000,000 \$ 12,000,000 34501

Account

TOTAL AGY Agency Fund Group \$ 2,645,318,030 \$ 2,747,356,706 34502

TOTAL ALL BUDGET FUND GROUPS \$ 2,755,007,303 \$ 2,862,705,331 34503

ACCRUED LEAVE LIABILITY FUND 34504

The foregoing appropriation item 995-666, Accrued Leave Fund, 34505

shall be used to make payments from the Accrued Leave Liability 34506

Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 34507

If it is determined by the Director of Budget and Management that 34508

additional amounts are necessary, the amounts are appropriated. 34509

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 34510

The foregoing appropriation item 995-667, Disability Fund, 34511
shall be used to make payments from the State Employee Disability 34512
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 34513
Revised Code. If it is determined by the Director of Budget and 34514
Management that additional amounts are necessary, the amounts are 34515
appropriated. 34516

PAYROLL WITHHOLDING FUND 34517

The foregoing appropriation item 995-673, Payroll Deductions, 34518
shall be used to make payments from the Payroll Withholding Fund 34519
(Fund 124). If it is determined by the Director of Budget and 34520
Management that additional appropriation amounts are necessary, 34521
such amounts are hereby appropriated. 34522

STATE EMPLOYEE HEALTH BENEFIT FUND 34523

The foregoing appropriation item 995-668, State Employee 34524
Health Benefit Fund, shall be used to make payments from the State 34525
Employee Health Benefit Fund (Fund 808), pursuant to section 34526
124.87 of the Revised Code. If it is determined by the Director of 34527
Budget and Management that additional amounts are necessary, the 34528
amounts are appropriated. 34529

DEPENDENT CARE SPENDING ACCOUNT 34530

The foregoing appropriation item 995-669, Dependent Care 34531
Spending Account, shall be used to make payments from the 34532
Dependent Care Spending Account (Fund 809) to employees eligible 34533
for dependent care expenses. If it is determined by the Director 34534
of Budget and Management that additional amounts are necessary, 34535
the amounts are appropriated. 34536

LIFE INSURANCE INVESTMENT FUND 34537

The foregoing appropriation item 995-670, Life Insurance 34538
Investment Fund, shall be used to make payments from the Life 34539
Insurance Investment Fund (Fund 810) for the costs and expenses of 34540

the state's life insurance benefit program pursuant to section 34541
125.212 of the Revised Code. If it is determined by the Director 34542
of Budget and Management that additional amounts are necessary, 34543
the amounts are appropriated. 34544

PARENTAL LEAVE BENEFIT FUND 34545

The foregoing appropriation item 995-671, Parental Leave 34546
Benefit Fund, shall be used to make payments from the Parental 34547
Leave Benefit Fund (Fund 811) to employees eligible for parental 34548
leave benefits pursuant to section 124.137 of the Revised Code. If 34549
it is determined by the Director of Budget and Management that 34550
additional amounts are necessary, the amounts are appropriated. 34551

HEALTH CARE SPENDING ACCOUNT 34552

There is hereby established in the State Treasury the Health 34553
Care Spending Account Fund (Fund 813). The foregoing appropriation 34554
item 995-672, Health Care Spending Account, shall be used to make 34555
payments from the fund. The fund shall be under the supervision of 34556
the Department of Administrative Services and shall be used to 34557
make payments pursuant to state employees' participation in a 34558
flexible spending account for non-reimbursed health care expenses 34559
and pursuant to Section 125 of the Internal Revenue Code. All 34560
income derived from the investment of the fund shall accrue to the 34561
fund. If it is determined by the Director of Administrative 34562
Services that additional appropriation amounts are necessary, the 34563
Director of Administrative Services may request that the Director 34564
of Budget and Management increase such amounts. Such amounts are 34565
hereby appropriated. 34566

At the request of the Director of Administrative Services, 34567
the Director of Budget and Management shall transfer up to 34568
\$145,000 from the General Revenue Fund to the Health Care Spending 34569
Account Fund during fiscal years 2008 and 2009. This cash shall be 34570
transferred as needed to provide adequate cash flow for the Health 34571

Care Spending Account Fund during fiscal year 2008 and fiscal year 2009. If funds are available at the end of fiscal years 2008 and 2009, the Director of Budget and Management shall transfer cash up to the amount previously transferred in the respective year, plus interest income, back from the Health Care Spending Account (Fund 813) to the General Revenue Fund.

CASH TRANSFER TO ACCRUED LEAVE FUND

The Director of Budget and Management may transfer \$100,080.79 in cash from the Dependent Care Spending Account Fund (Fund 809) to the Accrued Leave Fund (Fund 806) to correct an intrastate transfer voucher from the Department of Natural Resources that was mistakenly deposited into the Dependent Care Spending Account Fund.

Sec. 293.10. DOH DEPARTMENT OF HEALTH

General Revenue Fund

GRF 440-407	Animal Borne Disease and Prevention	\$	2,327,101	\$	2,327,101	
GRF 440-412	Cancer Incidence Surveillance System	\$	1,002,619	\$	1,002,619	
GRF 440-413	Local Health Department Support	\$	3,786,794	\$	3,786,794	
GRF 440-416	Child and Family Health Services	\$	9,522,874	\$	9,622,874	
GRF 440-418	Immunizations	\$	9,400,615	\$	9,400,615	
GRF 440-425	Abstinence and Adoption Education	\$	500,000	\$	500,000	
GRF 440-431	Free Clinic Liability Insurance	\$	250,000	\$	250,000	
GRF 440-437	Healthy Ohio	\$	1,502,618	\$	2,855,553	
GRF 440-438	Breast and Cervical Cancer Screening	\$	2,500,000	\$	2,500,000	

GRF 440-444	AIDS Prevention and Treatment	\$	7,158,127	\$	7,158,127	34596
GRF 440-446	Infectious Disease Prevention	\$	200,000	\$	200,000	34597
GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	34598
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	34599
GRF 440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	34600
GRF 440-454	Local Environmental Health	\$	889,752	\$	889,752	34601
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	34602
GRF 440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	34603
GRF 440-507	Targeted Health Care Services Over 21	\$	1,681,023	\$	1,681,023	34604
GRF 440-511	Uncompensated Care and Emergency Medical Assistance	\$	0	\$	3,500,000	34605
TOTAL GRF	General Revenue Fund	\$	79,799,699	\$	87,871,084	34606
	General Services Fund Group					34607
142	440-646 Agency Health Services	\$	3,461,915	\$	3,461,915	34608
211	440-613 Central Support Indirect Costs	\$	28,884,707	\$	28,884,707	34609
473	440-622 Lab Operating Expenses	\$	4,954,045	\$	4,954,045	34610
683	440-633 Employee Assistance Program	\$	1,208,214	\$	1,208,214	34611
698	440-634 Nurse Aide Training	\$	170,000	\$	170,000	34612
TOTAL GSF	General Services Fund Group	\$	38,678,881	\$	38,678,881	34614
	Federal Special Revenue Fund Group					34615

320	440-601	Maternal Child Health Block Grant	\$	30,666,635	\$	30,666,635	34616
387	440-602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	34617
389	440-604	Women, Infants, and Children	\$	230,077,451	\$	230,077,451	34618
391	440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959	34619
392	440-618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	34620
TOTAL FED Federal Special Revenue							34621
Fund Group			\$	430,199,919	\$	430,199,919	34622
State Special Revenue Fund Group							34623
4D6	440-608	Genetics Services	\$	3,317,000	\$	3,317,000	34624
4F9	440-610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	34625
4G0	440-636	Heirloom Birth Certificate	\$	5,000	\$	5,000	34626
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	34627
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468	34628
<u>4P4</u>	<u>440-628</u>	<u>Ohio Physician Loan</u> <u>Repayment</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>476,870</u>	34629
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	34630
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	34631
470	440-647	Fee Supported Programs	\$	27,996,243	\$	25,905,140	34632
471	440-619	Certificate of Need	\$	869,000	\$	898,000	34633
477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	34634
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	34635
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	34636
5CN	440-645	Choose Life	\$	75,000	\$	75,000	34637
5C0	440-615	Alcohol Testing and	\$	1,455,405	\$	1,455,405	34638

		Permit				
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951 34639
5EC	440-650	Health Emergency	\$	15,312,500	\$	0 34640
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000 34641
5G4	440-639	Adoption Services	\$	20,000	\$	20,000 34642
5L1	440-623	Nursing Facility	\$	664,282	\$	698,595 34643
		Technical Assistance Program				
<u>5Z7</u>	<u>440-624</u>	<u>Ohio Dental Loan</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>140,000</u> 34644
		<u>Repayment</u>				
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000 34645
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687 34646
TOTAL SSR	State Special Revenue					34647
Fund Group			\$	74,910,263	\$	57,569,973 34648
						<u>58,186,843</u>
Holding Account	Redistribution Fund Group					34649
R14	440-631	Vital Statistics	\$	70,000	\$	70,000 34650
R48	440-625	Refunds, Grants	\$	20,000	\$	20,000 34651
		Reconciliation, and Audit Settlements				
TOTAL 090	Holding Account					34652
Redistribution	Fund Group		\$	90,000	\$	90,000 34653
TOTAL ALL BUDGET	FUND GROUPS		\$	623,678,762	\$	614,409,857 34654
						<u>615,026,727</u>
Sec. 299.10.	OHS OHIO HISTORICAL SOCIETY					34656
General Revenue	Fund					34657
GRF	360-501	Operating Subsidy	\$	3,649,244	\$	3,649,252 34658
GRF	360-502	Site and Museum	\$	8,501,781	\$	8,501,788 34659

		Operations			<u>8,357,176</u>	
GRF	360-504	Ohio Preservation	\$	417,516	\$	415,381 34660
		Office				
GRF	360-505	National	\$	754,884	\$	754,884 34661
		Afro-American Museum				
GRF	360-506	Hayes Presidential	\$	514,323	\$	514,323 34662
		Center				
GRF	360-508	State Historical	\$	853,000	\$	775,000 34663
		Grants				
TOTAL GRF		General Revenue Fund	\$	14,690,748	\$	14,610,628 34664
TOTAL ALL BUDGET FUND GROUPS			\$	14,690,748	\$	14,610,628 34665
						<u>14,466,016</u>

SUBSIDY APPROPRIATION 34666

Upon approval by the Director of Budget and Management, the 34667
foregoing appropriation items shall be released to the Ohio 34668
Historical Society in quarterly amounts that in total do not 34669
exceed the annual appropriations. The funds and fiscal records of 34670
the society for fiscal years 2008 and 2009 shall be examined by 34671
independent certified public accountants approved by the Auditor 34672
of State, and a copy of the audited financial statements shall be 34673
filed with the Office of Budget and Management. The society shall 34674
prepare and submit to the Office of Budget and Management the 34675
following: 34676

(A) An estimated operating budget for each fiscal year of the 34677
biennium. The operating budget shall be submitted at or near the 34678
beginning of each calendar year. 34679

(B) Financial reports, indicating actual receipts and 34680
expenditures for the fiscal year to date. These reports shall be 34681
filed at least semiannually during the fiscal biennium. 34682

The foregoing appropriations shall be considered to be the 34683
contractual consideration provided by the state to support the 34684
state's offer to contract with the Ohio Historical Society under 34685

section 149.30 of the Revised Code. 34686

STATE ARCHIVES 34687

Of the foregoing appropriation item 360-501, Operating 34688
Subsidy, \$300,000 in each fiscal year shall be used for the State 34689
Archives, Library, and Artifact Collections program. 34690

HAYES PRESIDENTIAL CENTER 34691

If a United States government agency, including, but not 34692
limited to, the National Park Service, chooses to take over the 34693
operations or maintenance of the Hayes Presidential Center, in 34694
whole or in part, the Ohio Historical Society shall make 34695
arrangements with the National Park Service or other United States 34696
government agency for the efficient transfer of operations or 34697
maintenance. 34698

HISTORICAL GRANTS 34699

Of the foregoing appropriation item 360-508, State Historical 34700
Grants, \$60,000 in fiscal year 2008 shall be distributed to the 34701
Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be 34702
distributed to the Center for Holocaust and Humanity Education 34703
located at the Hebrew Union College-Jewish Institute of Religion 34704
in Cincinnati, \$350,000 in each fiscal year shall be distributed 34705
to the Western Reserve Historical Society, \$350,000 in each fiscal 34706
year shall be distributed to the Cincinnati Museum Center, and up 34707
to \$18,000 in fiscal year 2008 shall be distributed to the 34708
Muskingum River Underground Railroad Historic Marker Project. 34709

PROCESSING FEES 34710

The Ohio Historical Society shall not charge or retain an 34711
administrative, service, or processing fee for distributing money 34712
that the General Assembly appropriates to the Society for grants 34713
or subsidies that the Society provides to other entities for their 34714
site-related programs. 34715

<u>TRANSFER FOR STATEHOUSE TOURS AND EDUCATION</u>				34716
<u>On June 1, 2008, or as soon as possible thereafter, the</u>				34717
<u>Director of Budget and Management shall transfer \$12,297 cash from</u>				34718
<u>GRF appropriation item 360-502, Site and Museum Operations, to the</u>				34719
<u>Statehouse Gift Shop/Events Fund (Fund 4S70) in the Capitol Square</u>				34720
<u>Review and Advisory Board to support Statehouse tours and</u>				34721
<u>education staff.</u>				34722
 Sec. 307.10. INS DEPARTMENT OF INSURANCE				34723
Federal Special Revenue Fund Group				34724
3U5	820-602	OSHIIP Operating	\$ 1,100,000 \$ 1,100,000	34725
Grant				
TOTAL FED Federal Special				34726
Revenue Fund Group				\$ 1,100,000 \$ 1,100,000 34727
State Special Revenue Fund Group				34728
554	820-601	Operating Expenses -	\$ 553,750 \$ 569,269	34729
OSHIIP				
554	820-606	Operating Expenses	\$ 23,350,236 \$ 23,802,797	34730
555	820-605	Examination	\$ 7,639,581 \$ 7,868,768	34731
<u>5AG</u>	<u>820-603</u>	<u>Ohio Family Health</u>	<u>\$ 0 \$ 1,500,000</u>	34732
<u>Survey</u>				
TOTAL SSR State Special Revenue				34733
Fund Group				\$ 31,543,567 \$ 32,240,834 34734
				<u>33,740,834</u>
TOTAL ALL BUDGET FUND GROUPS				\$ 32,643,567 \$ 33,340,834 34735
				<u>34,840,834</u>
 MARKET CONDUCT EXAMINATION				34736
When conducting a market conduct examination of any insurer				34737
doing business in this state, the Superintendent of Insurance may				34738
assess the costs of the examination against the insurer. The				34739
superintendent may enter into consent agreements to impose				34740

administrative assessments or fines for conduct discovered that 34741
may be violations of statutes or rules administered by the 34742
superintendent. All costs, assessments, or fines collected shall 34743
be deposited to the credit of the Department of Insurance 34744
Operating Fund (Fund 554). 34745

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 34746

The Director of Budget and Management, at the request of the 34747
Superintendent of Insurance, may transfer funds from the 34748
Department of Insurance Operating Fund (Fund 554), established by 34749
section 3901.021 of the Revised Code, to the Superintendent's 34750
Examination Fund (Fund 555), established by section 3901.071 of 34751
the Revised Code, only for expenses incurred in examining domestic 34752
fraternal benefit societies as required by section 3921.28 of the 34753
Revised Code. 34754

TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND 34755

Not later than the thirty-first day of July each fiscal year, 34756
the Director of Budget and Management shall transfer \$5,000,000 34757
from the Department of Insurance Operating Fund to the General 34758
Revenue Fund. 34759

OHIO FAMILY HEALTH SURVEY 34760

Notwithstanding section 3929.682 of the Revised Code, the 34761
foregoing appropriation item 820-603, Ohio Family Health Survey, 34762
shall be used for the Ohio Family Health Survey. 34763

Sec. 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 34764

General Revenue Fund 34765

GRF 600-321 Support Services 34766

State \$ 50,785,978 \$ 52,571,413 34767

Federal \$ 10,460,286 \$ 11,290,237 34768

Support Services Total \$ 61,246,264 \$ 63,861,650 34769

GRF 600-410 TANF State \$ 267,619,061 \$ 267,619,061 34770

GRF 600-413	Child Care	\$	84,120,596	\$	84,120,596	34771
	Match/Maintenance of Effort					
GRF 600-416	Computer Projects					34772
	State	\$	115,383,181	\$	116,419,033	34773
	Federal	\$	21,488,920	\$	21,192,117	34774
	Computer Projects Total	\$	136,872,101	\$	137,611,150	34775
GRF 600-417	Medicaid Provider Audits	\$	2,000,000	\$	2,000,000	34776
GRF 600-420	Child Support Administration	\$	8,541,446	\$	10,641,446	34777
GRF 600-421	Office of Family Stability	\$	4,614,932	\$	4,614,932	34778
GRF 600-423	Office of Children and Families	\$	5,650,000	\$	5,900,000	34779
GRF 600-425	Office of Ohio Health Plans					34780
	State	\$	22,500,000	\$	22,500,000	34781
	Federal	\$	23,324,848	\$	23,418,368	34782
	Office of Ohio Health Plans Total	\$	45,824,848	\$	45,918,368	34783
GRF 600-502	Administration - Local	\$	34,014,103	\$	34,014,103	34784
GRF 600-511	Disability Financial Assistance	\$	22,128,480	\$	25,335,908	34785
GRF 600-512	Non-TANF Disaster Assistance	\$	1,000,000	\$	1,000,000	34786
GRF 600-521	Entitlement Administration - Local	\$	130,000,000	\$	130,000,000	34787
GRF 600-523	Children and Families Services	\$	78,115,135	\$	78,115,135	34788
GRF 600-525	Health Care/Medicaid State	\$	3,371,917,993	\$	3,603,598,928	34789
					<u>3,673,819,292</u>	34790

Federal	\$ 5,173,236,576	\$ 5,736,989,273	34791
		<u>5,865,064,895</u>	
Health Care Total	\$ 8,545,154,569	\$ 9,340,588,201	34792
		<u>9,538,884,187</u>	
GRF 600-526 Medicare Part D	\$ 254,397,401	\$ 271,854,640	34793
GRF 600-528 Adoption Services			34794
State	\$ 37,520,466	\$ 43,978,301	34795
Federal	\$ 41,304,043	\$ 49,196,065	34796
Adoption Services Total	\$ 78,824,509	\$ 93,174,366	34797
GRF 600-529 Capital Compensation Program	\$ 7,000,000	\$ 0	34798
GRF 600-534 Adult Protective Services	\$ 500,000	\$ 500,000	34799
TOTAL GRF General Revenue Fund			34800
State	\$ 4,497,808,772	\$ 4,754,783,496	34801
		<u>4,825,003,860</u>	
Federal	\$ 5,269,814,673	\$ 5,842,086,060	34802
		<u>5,970,161,682</u>	
GRF Total	\$ 9,767,623,445	\$ 10,596,869,556	34803
		<u>10,795,165,542</u>	
General Services Fund Group			34804
4A8 600-658 Child Support Collections	\$ 26,680,794	\$ 26,680,794	34805
		<u>31,929,211</u>	
4R4 600-665 BCII Services/Fees	\$ 36,974	\$ 36,974	34806
5BG 600-653 Managed Care Assessment	\$ 210,655,034	\$ 222,667,304	34807
5C9 600-671 Medicaid Program Support	\$ 80,120,048	\$ 80,120,048	34808
5DL 600-639 Medicaid Revenue and Collections	\$ 51,966,785	\$ 56,296,844	34809
		<u>76,296,844</u>	
5N1 600-677 County Technologies	\$ 1,000,000	\$ 1,000,000	34810
5P5 600-692 Health Care Services	\$ 93,000,000	\$ 62,000,000	34811
		<u>82,000,000</u>	

613	600-645	Training Activities	\$	135,000	\$	135,000	34812
TOTAL GSF General Services							34813
Fund Group			\$	463,594,635	\$	448,936,964	34814
						<u>494,185,381</u>	
Federal Special Revenue Fund Group							34815
3AW	600-675	Faith Based Initiatives	\$	1,000,000	\$	1,000,000	34816
3A2	600-641	Emergency Food Distribution	\$	2,900,000	\$	3,500,000	34817
3D3	600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524	34818
3F0	600-623	Health Care Federal	\$1,209,188,383		\$	1,211,196,561	34819
						<u>1,280,775,536</u>	
3F0	600-650	Hospital Care Assurance Match	\$	343,239,047	\$	343,239,047	34820
3G5	600-655	Interagency Reimbursement	\$1,469,763,073		\$	1,513,855,965	34821
3H7	600-617	Child Care Federal	\$	207,269,463	\$	200,167,593	34822
3N0	600-628	IV-E Foster Care Maintenance	\$	153,963,142	\$	153,963,142	34823
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	34824
3V0	600-688	Workforce Investment Act	\$	232,568,453	\$	233,082,144	34825
3V4	600-678	Federal Unemployment Programs	\$	147,411,858	\$	152,843,414	34826
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	3,092,890	\$	3,191,862	34827
3V6	600-689	TANF Block Grant	\$1,037,739,200		\$	1,085,861,099	34828
3W3	600-659	TANF/Title XX Transfer	\$	10,081,377	\$	6,672,366	34829
327	600-606	Child Welfare	\$	48,514,502	\$	47,947,309	34830

331	600-686	Federal Operating	\$	53,963,318	\$	56,263,225	34831
384	600-610	Food Stamps and State Administration	\$	160,237,060	\$	153,147,118	34832
385	600-614	Refugee Services	\$	10,196,547	\$	11,057,826	34833
395	600-616	Special Activities/Child and Family Services	\$	5,723,131	\$	5,717,151	34834
396	600-620	Social Services Block Grant	\$	114,479,464	\$	114,474,085	34835
396	600-651	Second Harvest Food Banks	\$	5,500,000	\$	5,500,000	34836
397	600-626	Child Support	\$	303,661,307	\$	303,538,962	34837
398	600-627	Adoption Maintenance/ Administration	\$	318,172,168	\$	317,483,676	34838
TOTAL FED Federal Special Revenue							34839
Fund Group				\$5,841,238,957	\$	5,926,277,119 <u>5,995,856,094</u>	34840
State Special Revenue Fund Group							34841
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	34842
4A9	600-607	Unemployment Compensation Administration Fund	\$	12,273,062	\$	12,188,996	34843
4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004	34844
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	34845
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	34846
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	34847
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	34848

4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437 <u>23,292,437</u>	34849
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	34850
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	34851
<u>5AJ0</u>	<u>600-631</u>	<u>Money Follows the Person</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>4,400,000</u>	34852
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	34853
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	34854
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	34855
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	34856
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	34857
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	34858
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	34859
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	34860
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	34861
5Z9	600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254	34862
651	600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	34863
TOTAL SSR State Special Revenue							34864
Fund Group							\$ 590,002,192
							\$ 592,160,540 <u>600,520,540</u>

Agency Fund Group				34866
192 600-646 Support Intercept -	\$ 110,000,000	\$ 110,000,000		34867
Federal				
5B6 600-601 Food Stamp Intercept	\$ 2,000,000	\$ 2,000,000		34868
583 600-642 Support Intercept -	\$ 16,000,000	\$ 16,000,000		34869
State				
TOTAL AGY Agency Fund Group	\$ 128,000,000	\$ 128,000,000		34870
Holding Account Redistribution Fund Group				34871
R12 600-643 Refunds and Audit	\$ 3,600,000	\$ 3,600,000		34872
Settlements				
R13 600-644 Forgery Collections	\$ 10,000	\$ 10,000		34873
TOTAL 090 Holding Account	\$ 3,610,000	\$ 3,610,000		34874
Redistribution Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$16,794,069,229	\$17,695,854,179		34875
		<u>18,017,337,557</u>		
<u>BUDGET STABILIZATION FUND TRANSFER FOR MEDICAID</u>				34876
<u>Notwithstanding section 127.14 of the Revised Code, if the</u>				34877
<u>Director of Budget and Management determines that additional</u>				34878
<u>appropriations are needed to fund the Medicaid program, the</u>				34879
<u>Director may, with Controlling Board approval, transfer up to</u>				34880
<u>\$63,333,420 cash in fiscal year 2009 from the Budget Stabilization</u>				34881
<u>Fund to the General Revenue Fund. Upon approval from the</u>				34882
<u>Controlling Board, the Director of Budget and Management shall</u>				34883
<u>transfer the approved amounts of cash, increase the state share of</u>				34884
<u>appropriations to line item 600-525, Health Care/Medicaid, and</u>				34885
<u>adjust the federal share accordingly. Any such transfers and</u>				34886
<u>adjustments are hereby appropriated.</u>				34887
Sec. 309.30.13. CHILDREN'S HOSPITALS				34888
(A) As used in this section:				34889
"Children's hospital" means a hospital that primarily serves				34890

patients eighteen years of age and younger and is excluded from 34891
Medicare prospective payment in accordance with 42 C.F.R. 34892
412.23(d). 34893

"Medicaid inpatient cost-to-charge ratio" means the historic 34894
Medicaid inpatient cost-to-charge ratio applicable to a hospital 34895
as described in rules adopted by the Director of Job and Family 34896
Services in paragraph (B)(2) of rule 5101:3-2-22 of the 34897
Administrative Code. 34898

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 34899
the Administrative Code and except as provided in division (C) of 34900
this section, the Director of Job and Family Services shall pay a 34901
children's hospital that meets the criteria in paragraphs (E)(1) 34902
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 34903
cost outlier claim made in fiscal years 2008 and 2009, an amount 34904
that is the product of the hospital's allowable charges and the 34905
hospital's Medicaid inpatient cost-to-charge ratio. 34906

(C) The Director of Job and Family Services shall cease 34907
paying a children's hospital for a cost outlier claim under the 34908
methodology in division (B) of this section and revert to paying 34909
the hospital for such a claim according to methodology in 34910
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 34911
Administrative Code, as applicable, when the difference between 34912
the total amount the Director has paid according to the 34913
methodology in division (B) of this section for such claims and 34914
the total amount the Director would have paid according to the 34915
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 34916
the Administrative Code, as the applicable paragraph existed on 34917
June 30, 2007, for such claims, exceeds the sum of the state funds 34918
and corresponding federal match earmarked in division (F) of this 34919
section and reappropriated in division (G) of this section for the 34920
applicable fiscal year. 34921

(D) The Director of Job and Family Services shall make 34922

supplemental Medicaid payments to hospitals for inpatient services 34923
under a program modeled after the program the Department of Job 34924
and Family Services was required to create for fiscal years 2006 34925
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 34926
General Assembly if the difference between the total amount the 34927
Director has paid according to the methodology in division (B) of 34928
this section for cost outlier claims and the total amount the 34929
Director would have paid according to the methodology in paragraph 34930
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 34931
for such claims, as the applicable paragraph existed on June 30, 34932
2007, does not require the expenditure of all state and federal 34933
funds earmarked in division (F) of this section for the applicable 34934
fiscal year. 34935

(E) The Director of Job and Family Services shall not adopt, 34936
amend, or rescind any rules that would result in decreasing the 34937
amount paid to children's hospitals under division (B) of this 34938
section for cost outlier claims. 34939

(F) Of the foregoing appropriation item, 600-525, Health 34940
Care/Medicaid, up to \$6 million (state share) in each fiscal year 34941
plus the corresponding federal match, if available, shall be used 34942
by the Department to pay the amounts described in division (B) of 34943
this section. 34944

(G) The unencumbered balance of the \$6 million in division 34945
(F) of this section at the end of fiscal year 2008 is hereby 34946
reappropriated to appropriation item 600-525, Health 34947
Care/Medicaid, for fiscal year 2009 to be used by the Department 34948
to pay the amounts described in division (B) of this section. The 34949
Director of Budget and Management shall increase the state share 34950
of appropriations in appropriation item 600-525, Health 34951
Care/Medicaid, by the amount of the unencumbered balance of the \$6 34952
million, with a corresponding increase in the federal share. The 34953
Department shall expend, not later than June 30, 2009, the entire 34954

amount of the unencumbered balance of the \$6 million 34955
reappropriated to appropriation item 600-525, Health 34956
Care/Medicaid, for fiscal year 2009 by this division, by the 34957
corresponding increase in the federal share, and the \$6 million 34958
plus the corresponding federal match earmarked for fiscal year 34959
2009 by division (F) of this section to pay the amounts described 34960
in division (B) of this section. 34961

Sec. 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT 34962
SYSTEM FOR NURSING FACILITIES 34963

(A) As used in this section: 34964

(1) "Capital costs," "cost of ownership," and "renovation" 34965
have the same meanings as in section 5111.20 of the Revised Code 34966
as that section existed on June 30, 2005. 34967

(2) "Fiscal year 2008 rate" means the rate a provider of a 34968
nursing facility is paid for nursing facility services the nursing 34969
facility provides on June 30, 2008. 34970

(3) "Franchise permit fee," "inpatient days," "Medicaid 34971
days," "nursing facility," and "provider" have the same meanings 34972
as in section 5111.20 of the Revised Code. 34973

(4) "Nursing facility services" means nursing facility 34974
services covered by the Medicaid program that a nursing facility 34975
provides to a resident of the nursing facility who is a Medicaid 34976
recipient eligible for Medicaid-covered nursing facility services. 34977
34978

(5) "Reviewable activity" has the same meaning as in section 34979
3702.51 of the Revised Code. 34980

(6) "Type A nursing facility" means a nursing facility that 34981
qualifies for a per diem under Section 309.30.42 of Am. Sub. H.B. 34982
119 of the 127th General Assembly, as amended by this act and is 34983
not a type G nursing facility. 34984

<u>(7) "Type B nursing facility" means a nursing facility to</u>	34985
<u>which both of the following apply:</u>	34986
<u>(a) Both of the following occurred during the last quarter of</u>	34987
<u>fiscal year 2008:</u>	34988
<u>(i) The facility obtained certification as a nursing facility</u>	34989
<u>from the Director of Health.</u>	34990
<u>(ii) The facility began participating in the Medicaid</u>	34991
<u>program.</u>	34992
<u>(b) An application for a certificate of need for the nursing</u>	34993
<u>facility was filed with the Director of Health before June 15,</u>	34994
<u>2005.</u>	34995
<u>(8) "Type C nursing facility" means a nursing facility to</u>	34996
<u>which all of the following apply:</u>	34997
<u>(a) The nursing facility is not a type B nursing facility.</u>	34998
<u>(b) The nursing facility, during the last quarter of fiscal</u>	34999
<u>year 2008, completed a capital project for which a certificate of</u>	35000
<u>need was filed with the Director of Health before June 15, 2005,</u>	35001
<u>and for which at least one of the following occurred before July</u>	35002
<u>1, 2005, or, if the capital project is undertaken to comply with</u>	35003
<u>rules adopted by the Public Health Council regarding resident room</u>	35004
<u>size or occupancy, before June 30, 2007:</u>	35005
<u>(i) Any materials or equipment for the capital project were</u>	35006
<u>delivered;</u>	35007
<u>(ii) Preparations for the physical site of the capital</u>	35008
<u>project, including, if applicable, excavation, began;</u>	35009
<u>(iii) Actual work on the capital project began.</u>	35010
<u>(c) The provider of the nursing facility files a three-month</u>	35011
<u>projected capital cost report for the nursing facility with the</u>	35012
<u>Director of Job and Family Services not later than ninety days</u>	35013
<u>after the date the capital project is completed.</u>	35014

(9) "Type D nursing facility" means a nursing facility that, 35015
during the last quarter of fiscal year 2008, completed an activity 35016
to which all of the following apply: 35017

(a) A request was filed with the Director of Health before 35018
July 1, 2005, for a determination of whether the activity is a 35019
reviewable activity and the Director determined that the activity 35020
is not a reviewable activity. 35021

(b) At least one of the following occurred before July 1, 35022
2005, or, if the nursing facility undertakes the activity to 35023
comply with rules adopted by the Public Health Council regarding 35024
resident room size or occupancy, before June 30, 2007: 35025

(i) Any materials or equipment for the activity were 35026
delivered. 35027

(ii) Preparations for the physical site of the activity, 35028
including, if applicable, excavation, began. 35029

(iii) Actual work on the activity began. 35030

(c) The provider of the nursing facility files a three-month 35031
projected capital cost report for the nursing facility with the 35032
Director of Job and Family Services not later than ninety days 35033
after the date the activity is completed. 35034

(10) "Type E nursing facility" means a nursing facility that, 35035
during the last quarter of fiscal year 2008, completed a 35036
renovation to which all of the following apply: 35037

(a) The Director of Job and Family Services approved the 35038
renovation before July 1, 2005. 35039

(b) At least one of the following occurred before July 1, 35040
2005, or, if the nursing facility undertakes the renovation to 35041
comply with rules adopted by the Public Health Council regarding 35042
resident room size or occupancy, before June 30, 2007: 35043

(i) Any materials or equipment for the renovation were 35044

<u>delivered.</u>	35045
<u>(ii) Preparations for the physical site of the renovation,</u>	35046
<u>including, if applicable, excavation, began.</u>	35047
<u>(iii) Actual work on the renovation began.</u>	35048
<u>(c) The provider of the nursing facility files a three-month</u>	35049
<u>projected capital cost report for the nursing facility with the</u>	35050
<u>Director of Job and Family Services not later than ninety days</u>	35051
<u>after the date the renovation is completed.</u>	35052
<u>(11) "Type F nursing facility" means a nursing facility to</u>	35053
<u>which all of the following apply:</u>	35054
<u>(a) The nursing facility, during either the first or second</u>	35055
<u>quarter of fiscal year 2009, completed a capital project for which</u>	35056
<u>the Director of Health approved a certificate of need on December</u>	35057
<u>22, 2003.</u>	35058
<u>(b) The nursing facility has one hundred ninety-two beds.</u>	35059
<u>(c) The provider of the nursing facility files a three-month</u>	35060
<u>projected capital cost report for the nursing facility with the</u>	35061
<u>Director of Job and Family Services not later than ninety days</u>	35062
<u>after the date the capital project is completed.</u>	35063
<u>(12) "Type G nursing facility" means a new nursing facility</u>	35064
<u>to which all of the following apply:</u>	35065
<u>(a) The provider of the new nursing facility is a nonprofit</u>	35066
<u>corporation exempt from federal income taxation.</u>	35067
<u>(b) The provider of the new nursing facility received a</u>	35068
<u>certificate of need from the Director of Health before June 15,</u>	35069
<u>2005, to construct the new nursing facility.</u>	35070
<u>(c) The new nursing facility began participation in the</u>	35071
<u>Medicaid program during fiscal year 2006.</u>	35072
<u>(d) The new nursing facility replaced an older nursing</u>	35073

facility that provided nursing facility services on the date 35074
immediately before the date the new nursing facility began 35075
participation in the Medicaid program. 35076

(e) The new nursing facility is located on the same campus as 35077
the older nursing facility that the new nursing facility replaced. 35078

(B) Except as otherwise provided by this section, the 35079
provider of a nursing facility that has a valid Medicaid provider 35080
agreement on June 30, 2008, and a valid Medicaid provider 35081
agreement during fiscal year 2009 shall be paid, for nursing 35082
facility services the nursing facility provides during fiscal year 35083
2009, the rate calculated for the nursing facility under sections 35084
5111.20 to 5111.33 of the Revised Code with the following 35085
adjustments: 35086

(1) The cost per case mix-unit calculated under section 35087
5111.231 of the Revised Code, the rate for ancillary and support 35088
costs calculated under section 5111.24 of the Revised Code, the 35089
rate for capital costs calculated under section 5111.25 of the 35090
Revised Code, and the rate for tax costs calculated under section 35091
5111.242 of the Revised Code shall each be adjusted as follows: 35092

(a) Increase the cost and rates so calculated by two per 35093
cent; 35094

(b) Increase the cost and rates determined under division 35095
(B)(1)(a) of this section by two per cent; 35096

(c) Increase the cost and rates determined under division 35097
(B)(1)(b) of this section by one per cent. 35098

(2) The mean payment used in the calculation of the quality 35099
incentive payment made under section 5111.244 of the Revised Code 35100
shall be, weighted by Medicaid days, three dollars and three cents 35101
per Medicaid day. 35102

(C) ~~If~~ Except as provided in division (F) of this section, if 35103

the rate determined for a nursing facility under division (B) of 35104
this section for nursing facility services provided during fiscal 35105
year 2009 is more than one hundred two and seventy-five hundredths 35106
per cent of the sum of the nursing facility's fiscal year 2008 35107
~~rate the provider is paid for nursing facility services the~~ 35108
~~nursing facility provides on June 30, 2008 and the amount~~ 35109
specified in division (D) of this section, the Department of Job 35110
and Family Services shall reduce the nursing facility's fiscal 35111
year 2009 rate so that the rate is not more than one hundred two 35112
and seventy-five hundredths per cent of ~~the nursing facility's~~ 35113
~~rate for June 30, 2008 that sum. If~~ Except as provided in division 35114
(F) of this section, if the rate determined for a nursing facility 35115
under division (B) of this section for nursing facility services 35116
provided during fiscal year 2009 is less than the sum of the 35117
nursing facility's fiscal year 2008 rate the provider is paid for 35118
~~nursing facility services the nursing facility provides on June~~ 35119
~~30, 2008 and the amount specified in division (D) of this section,~~ 35120
the Department shall increase the nursing facility's fiscal year 35121
2009 rate so that the rate is not less than ~~the nursing facility's~~ 35122
~~rate for June 30, 2008 that sum.~~ 35123

(D) Subject to division (E) of this section, the following 35125
amount shall be added to a nursing facility's fiscal year 2008 35126
rate for the purpose of determining the ceiling and floor under 35127
division (C) of this section: 35128

(1) If the nursing facility is a type A nursing facility, the 35129
amount of the per diem for which the nursing facility qualifies 35130
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General 35131
Assembly, as amended by this act; 35132

(2) If the nursing facility is a type B nursing facility, the 35133
amount that is the difference between the capital costs portion of 35134
the nursing facility's initial rate established under section 35135

5111.254 of the Revised Code and the lesser of the following: 35136

(a) Eighty-eight and sixty-five hundredths per cent of the 35137
nursing facility's cost of ownership as reported on its 35138
three-month projected capital cost report divided by the greater 35139
of the number of inpatient days the nursing facility is expected 35140
to have during the period covered by the projected capital cost 35141
report or the number of inpatient days the nursing facility would 35142
have during that period if the nursing facility's occupancy rate 35143
was eighty per cent; 35144

(b) The maximum capital per diem rate in effect for fiscal 35145
year 2005 for nursing facilities. 35146

(3) If the nursing facility is a type C nursing facility, 35147
type D nursing facility, or type F nursing facility, the amount 35148
that is the difference between the capital costs portion of the 35149
nursing facility's fiscal year 2008 rate and the lesser of the 35150
following: 35151

(a) Eighty-eight and sixty-five hundredths per cent of the 35152
nursing facility's cost of ownership as reported on its 35153
three-month projected capital cost report divided by the greater 35154
of the number of inpatient days the nursing facility is expected 35155
to have during the period covered by the projected capital cost 35156
report or the number of inpatient days the nursing facility would 35157
have during that period if the nursing facility's occupancy rate 35158
was ninety-five per cent; 35159

(b) The maximum capital per diem rate in effect for fiscal 35160
year 2005 for nursing facilities. 35161

(4) If the nursing facility is a type E nursing facility, the 35162
amount that is equal to eighty-five per cent of the nursing 35163
facility's capital costs for the renovation as reported on its 35164
three-month projected capital cost report divided by the greater 35165
of the number of inpatient days the nursing facility is expected 35166

to have during the period covered by the projected capital cost 35167
report or the number of inpatient days the nursing facility would 35168
have during that period if the nursing facility's occupancy rate 35169
was ninety-five per cent; 35170

(5) If the nursing facility is not a type A nursing facility, 35171
type B nursing facility, type C nursing facility, type D nursing 35172
facility, type E nursing facility, type F nursing facility, or 35173
type G nursing facility, zero. 35174

(E) The amount to be added to the fiscal year 2008 rate of a 35175
type A nursing facility, type B nursing facility, type C nursing 35176
facility, type D nursing facility, type E nursing facility, or 35177
type F nursing facility for the purpose of determining the ceiling 35178
and floor under division (C) of this section shall be zero until 35179
the later of the following: 35180

(1) July 1, 2008; 35181

(2) The first day of the month following the month in which 35182
the provider files the three-month projected capital cost report 35183
for the nursing facility with the Director of Job and Family 35184
Services. 35185

(F) Subject to division (G) of this section, if the rate 35186
determined for a type G nursing facility under division (B) of 35187
this section for nursing facility services provided during fiscal 35188
year 2009 is more than one hundred two and seventy-five hundredths 35189
per cent of the sum of the rate the provider was paid for nursing 35190
facility services that the older nursing facility the type G 35191
nursing facility replaced provided on July 1, 2005, and the amount 35192
of the per diem for which the type G nursing facility qualifies 35193
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General 35194
Assembly, as amended by this act, the Department of Job and Family 35195
Services shall reduce the type G nursing facility's fiscal year 35196
2009 rate so that the rate is not more than one hundred two and 35197

seventy-five hundredths per cent of that sum. Subject to division 35198
(G) of this section, if the rate determined for a type G nursing 35199
facility under division (B) of this section for nursing facility 35200
services provided during fiscal year 2009 is less than 35201
ninety-eight per cent of the sum of the rate the provider was paid 35202
for nursing facility services that the older nursing facility the 35203
type G nursing facility replaced provided on July 1, 2005, and the 35204
amount of the per diem for which the type G nursing facility 35205
qualifies under Section 309.30.42 of Am. Sub. H.B. 119 of the 35206
127th General Assembly, as amended by this act, the Department 35207
shall increase the qualified replacement nursing facility's fiscal 35208
year 2009 rate so that the rate is not less than ninety-eight per 35209
cent of that sum. 35210

(G) The amount to be added to the rate the provider of a type 35211
G nursing facility was paid for nursing facility services that the 35212
older nursing facility the type G nursing facility replaced 35213
provided on July 1, 2005, for the purpose of determining the 35214
ceiling and floor under division (F) of this section shall be zero 35215
rather than the amount of the per diem for which the type G 35216
nursing facility qualifies under Section 309.30.42 of Am. Sub. 35217
H.B. 119 of the 127th General Assembly, as amended by this act, 35218
until the later of the following: 35219

(1) July 1, 2008; 35220

(2) The first day of the month following the month in which 35221
the provider files the three-month projected capital cost report 35222
for the nursing facility with the Director of Job and Family 35223
Services. 35224

(H) If the United States Centers for Medicare and Medicaid 35225
Services requires that the franchise permit fee be reduced or 35226
eliminated, the Department of Job and Family Services shall reduce 35227
the amount it pays providers of nursing facility services under 35228
this section as necessary to reflect the loss to the state of the 35229

revenue and federal financial participation generated from the 35230
franchise permit fee. 35231

~~(E)~~(I) The Department of Job and Family Services shall follow 35232
this section in determining the rate to be paid to the provider of 35233
a nursing facility that has a valid Medicaid provider agreement on 35234
June 30, 2008, and a valid Medicaid provider agreement during 35235
fiscal year 2009 notwithstanding anything to the contrary in 35236
sections 5111.20 to 5111.33 of the Revised Code. 35237

(J) Not later than sixty days after the effective date of the 35238
amendments to this section, the Director of Job and Family 35239
Services shall submit an amendment to the state Medicaid plan to 35240
the United States Secretary of Health and Human Services as 35241
necessary to implement the amendments to this section. On receipt 35242
of the United States Secretary's approval of the amendment to the 35243
state Medicaid plan, the Director shall implement the amendments 35244
to this section retroactive to the effective date of the state 35245
Medicaid plan amendment. 35246

**Sec. 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID 35247
REIMBURSEMENT SYSTEM FOR ICFs/MR 35248**

(A) As used in this section: 35249

"Intermediate care facility for the mentally retarded" has 35250
the same meaning as in section 5111.20 of the Revised Code. 35251

"Medicaid days" means all days during which a resident who is 35252
a Medicaid recipient occupies a bed in an intermediate care 35253
facility for the mentally retarded that is included in the 35254
facility's Medicaid-certified capacity. Therapeutic or hospital 35255
leave days for which payment is made under section 5111.33 of the 35256
Revised Code are considered Medicaid days proportionate to the 35257
percentage of the intermediate care facility for the mentally 35258
retarded's per resident per day rate paid for those days. 35259

"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.

(B) Notwithstanding sections 5111.20 to 5111.33 of the Revised Code, rates paid to intermediate care facilities for the mentally retarded under the Medicaid program shall be subject to the following limitations:

(1) For fiscal year 2008, the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state, weighted by May 2007 Medicaid days and calculated as of July 1, 2007, shall not exceed \$266.14.

(2) For fiscal year 2009, the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state, weighted by May 2008 Medicaid days and calculated as of July 1, 2008, shall not exceed ~~\$271.46~~ \$274.98.

(3) If the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state for fiscal year 2008 or 2009, weighted by Medicaid days as specified in division (B)(1) or (2) of this section, as appropriate, and calculated as of the first day of July of the calendar year in which the fiscal year begins, exceeds the amount specified in division (B)(1) or (2) of this section, as applicable, the Department of Job and Family Services shall reduce the total per diem rate for each intermediate care facility for the mentally retarded in the state by a percentage that is equal to the percentage by which the mean total per diem rate exceeds the amount specified in division (B)(1) or (2) of this section for that fiscal year.

(4) Subsequent to any reduction required by division (B)(3) of this section, the rate of an intermediate care facility for the mentally retarded shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code during the remainder of the year.

(C) Not later than September 30, 2008, the Director of Job and Family Services shall submit an amendment to the state Medicaid plan to the United States Secretary of Health and Human Services as necessary to implement the amendments to this section. On receipt of the United States Secretary's approval of the amendment to the state Medicaid plan, the Director shall implement the amendments to this section retroactive to the effective date of the state Medicaid plan amendment.

Sec. 309.30.41. ADDITIONAL COMPENSATION FOR NURSING FACILITY CAPITAL COSTS

The foregoing appropriation item 600-529, Capital Compensation Program, shall be used to make payments to nursing facilities under ~~the section of this act entitled "FISCAL YEARS 2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES~~ Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly."

The unencumbered balance of appropriation item 600-529, Capital Compensation Program, at the end of fiscal year 2008 is hereby appropriated to appropriation item 600-525, Health Care/Medicaid, for fiscal year 2009 for use under the same appropriation item. The Director of Budget and Management shall increase the state share of appropriations in appropriation item 600-525, Health Care/Medicaid, by the amount of the unencumbered balance of appropriation item 600-529, Capital Compensation Program, with a corresponding increase in the federal share.

Sec. 309.30.42. FISCAL YEARS YEAR 2008 ~~AND 2009~~ PAYMENTS TO CERTAIN NURSING FACILITIES

(A) As used in this section:

"Capital costs," "cost of ownership," and "renovation" have the same meanings as in section 5111.20 of the Revised Code as that section existed on June 30, 2005.

"Change of operator" has the same meaning as in section 5111.65 of the Revised Code.	35321 35322
"Inpatient days," "Medicaid days," and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code.	35323 35324
"Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code.	35325 35326
(B) The following qualify for per diem payments under this section:	35327 35328
(1) A nursing facility to which both of the following apply:	35329
(a) Both of the following occurred during fiscal year 2006 7 <u>or 20077 or the first three quarters of fiscal year</u> 2008:	35330 35331
(i) The facility obtained certification as a nursing facility from the Director of Health.	35332 35333
(ii) The facility began participating in the Medicaid program.	35334 35335
(b) An application for a certificate of need for the nursing facility was filed with the Director of Health before June 15, 2005.	35336 35337 35338
(2) A nursing facility to which all of the following apply:	35339
(a) The nursing facility does not qualify for a payment pursuant to division (B)(1) of this section.	35340 35341
(b) The nursing facility, before June 30 <u>March 31</u> , 2008, completed a capital project for which a certificate of need was filed with the Director of Health before June 15, 2005, and for which at least one of the following occurred before July 1, 2005, or, if the capital project is undertaken to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:	35342 35343 35344 35345 35346 35347 35348
(i) Any materials or equipment for the capital project were	35349

delivered;	35350
(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began;	35351 35352
(iii) Actual work on the capital project began.	35353
(c) The costs of the capital project are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.	35354 35355 35356
(d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the capital project is completed.	35357 35358 35359 35360
(3) A nursing facility that, before June 30 <u>March 31</u> , 2008, completed an activity to which all of the following apply:	35361 35362
(a) A request was filed with the Director of Health before July 1, 2005, for a determination of whether the activity is a reviewable activity and the Director determined that the activity is not a reviewable activity.	35363 35364 35365 35366
(b) At least one of the following occurred before July 1, 2005, or, if the nursing facility undertakes the activity to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:	35367 35368 35369 35370
(i) Any materials or equipment for the activity were delivered.	35371 35372
(ii) Preparations for the physical site of the activity, including, if applicable, excavation, began.	35373 35374
(iii) Actual work on the activity began.	35375
(c) The costs of the activity are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.	35376 35377 35378

(d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the activity is completed.

(4) A nursing facility that, before ~~June 30~~ March 31, 2008, completed a renovation to which all of the following apply:

(a) The Director of Job and Family Services approved the renovation before July 1, 2005.

(b) At least one of the following occurred before July 1, 2005, or, if the nursing facility undertakes the renovation to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:

(i) Any materials or equipment for the renovation were delivered.

(ii) Preparations for the physical site of the renovation, including, if applicable, excavation, began.

(iii) Actual work on the renovation began.

(c) The costs of the renovation are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.

(d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the renovation is completed.

(C) If a nursing facility qualifies for per diem payments pursuant to division (B)(1) of this section ~~for fiscal year 2008~~, the nursing facility's per diem payments under this section ~~for fiscal year 2008~~ shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.20 of ~~this act~~ Am. Sub.

H.B. 119 of the 127th General Assembly or, if that section does 35409
not apply to the nursing facility, the capital costs portion of 35410
the nursing facility's initial rate established under section 35411
5111.254 of the Revised Code and the lesser of the following: 35412

(1) Eighty-eight and sixty-five hundredths per cent of the 35413
nursing facility's cost of ownership as reported on a three-month 35414
projected capital cost report divided by the greater of the number 35415
of inpatient days the nursing facility is expected to have during 35416
the period covered by the projected capital cost report or the 35417
number of inpatient days the nursing facility would have during 35418
that period if the nursing facility's occupancy rate was eighty 35419
per cent. 35420

(2) The maximum capital per diem rate in effect for fiscal 35421
year 2005 for nursing facilities. 35422

~~(D) If a nursing facility qualifies for per diem payments~~ 35423
~~pursuant to division (B)(1) of this section for fiscal year 2009,~~ 35424
~~the nursing facility's per diem payments under this section for~~ 35425
~~fiscal year 2009 shall equal the difference between the capital~~ 35426
~~costs portion of the nursing facility's Medicaid reimbursement per~~ 35427
~~diem rate determined under Section 309.30.30 of this act and the~~ 35428
~~lesser of the following:~~ 35429

~~(1) Eighty eight and sixty five hundredths per cent of the~~ 35430
~~nursing facility's cost of ownership as reported on a three month~~ 35431
~~projected capital cost report divided by the greater of the number~~ 35432
~~of inpatient days the nursing facility is expected to have during~~ 35433
~~the period covered by the projected capital cost report or the~~ 35434
~~number of inpatient days the nursing facility would have during~~ 35435
~~that period if the nursing facility's occupancy rate was eighty~~ 35436
~~per cent.~~ 35437

~~(2) The maximum capital per diem rate in effect for fiscal~~ 35438
~~year 2005 for nursing facilities.~~ 35439

~~(E) The per diem payments paid for fiscal year 2008 to a nursing facility that qualifies for the payments pursuant to division (B)(2) or (3) of this section shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.20 of this act~~ Am. Sub. H.B. 119 of the 127th General Assembly and the lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent.

(2) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities.

~~(F) The per diem payments paid for fiscal year 2009 to a nursing facility that qualifies for the payments pursuant to division (B)(2) or (3) of this section shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.30 of this act and the lesser of the following:~~

~~(1) Eighty eight and sixty five hundredths per cent of the nursing facility's cost of ownership as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety five per cent.~~

~~(2) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities.~~ 35471
35472

~~(G)(E)~~ (E) The per diem payments paid to a nursing facility that qualifies for the payments pursuant to division (B)(4) of this section shall equal eighty-five per cent of the nursing facility's capital costs for the renovation as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent. 35473
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~~(H)(F)~~ (F) All of the following apply to the per diem payments made under this section: 35483
35484

~~(1) All nursing facilities' eligibility for the payments shall cease at the earlier of the following:~~ 35485
35486

~~(a) July 1, 2009;~~ 35487

~~(b) The date that the total amount of the payments equals seven million dollars.~~ 35488
35489

~~(2) The payments made for the last quarter that the payments are made may be reduced proportionately as necessary to avoid spending more than seven million dollars under this section.~~ 35490
35491
35492

~~(3) The~~ Subject to the following, the per diem payments shall be made for ~~quarterly periods~~ only the first three quarters of fiscal year 2008 by multiplying the per diem determined for a nursing facility by the number of Medicaid days the nursing facility has for the ~~quarter~~ quarters for which the payment is made: 35493
35494
35495
35496
35497
35498

(a) Not more than a total of four million two hundred thousand dollars may be spent on the payments. 35499
35500

(b) The payments may be reduced proportionately as necessary 35501
to avoid spending more than four million two hundred thousand 35502
dollars under this section. 35503

~~(4)(2)~~ Any per diem payments to be made to a nursing facility 35504
~~for a quarter ending before July 2008~~ under this section shall be 35505
made not later than ~~September~~ June 30, 2008. 35506

~~(5) Any per diem payments to be made to a nursing facility~~ 35507
~~for a quarter beginning after June 2008 shall be made not later~~ 35508
~~than three months after the last day of the quarter for which the~~ 35509
~~payments are made.~~ 35510

~~(6)(3)~~ A change of operator shall not cause the payments to a 35511
nursing facility to ~~cease~~ not be made. 35512

~~(7)(4)~~ The payments shall only be made to a nursing facility 35513
for the first three quarters ~~during of~~ fiscal ~~years~~ year 2008 ~~and~~ 35514
2009 for which the nursing facility has a valid Medicaid provider 35515
agreement. 35516

~~(8)(5)~~ The payments shall be in addition to a nursing 35517
facility's Medicaid reimbursement per diem rate calculated under 35518
Section 309.30.20 ~~or 309.30.30~~ of ~~this act~~ Am. Sub. H.B. 119 of 35519
the 127th General Assembly. 35520

~~(I)(G)~~ The Director of Job and Family Services shall monitor~~,~~ 35521
~~on a quarterly basis,~~ the per diem payments made to nursing 35522
facilities under this section to ensure that not more than a total 35523
of ~~seven~~ four million two hundred thousand dollars is spent under 35524
this section. 35525

~~(J)(H)~~ The determinations that the Director of Job and Family 35526
Services makes under this section are not subject to appeal under 35527
Chapter 119. of the Revised Code. 35528

~~(K)(I)~~ The Director of Job and Family Services may adopt 35529
rules in accordance with Chapter 119. of the Revised Code as 35530

necessary to implement this section. The Director's failure to 35531
adopt the rules does not affect the requirement that the per diem 35532
payments be made under this section. 35533

Sec. 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 35534

The foregoing appropriation item 600-658, Child Support 35535
Collections, shall be used by the Department of Job and Family 35536
Services to meet the TANF maintenance of effort requirements of 42 35537
U.S.C. 609(a)(7). When the state is assured that it will meet the 35538
maintenance of effort requirement, the Department of Job and 35539
Family Services may use funds from appropriation item 600-658, 35540
Child Support Collections, to support ~~child support~~ public 35541
assistance activities. 35542

Sec. 337.30. COMMUNITY SERVICES 35543

General Revenue Fund 35544

GRF	322-413	Residential and	\$	6,753,881	\$	6,753,881	35545
		Support Services					

GRF	322-416	Medicaid Waiver -	\$	109,551,380	\$	109,551,380	35546
		State Match					

GRF	322-451	Family Support	\$	6,938,898	\$	6,938,898	35547
		Services					

GRF	322-501	County Boards	\$	87,270,048	\$	87,270,048	35548
		Subsidies					

GRF	322-503	Tax Equity	\$	14,000,000	\$	14,000,000	35549
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GRF	322-504	Martin Settlement	\$	6,159,766	\$	29,036,451	35550
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TOTAL GRF	General Revenue Fund	\$	230,673,973	\$	253,550,658	35551
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General Services Fund Group 35552

488	322-603	Provider Audit Refunds	\$	10,000	\$	10,000	35553
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5MO	322-628	Martin Settlement	\$	150,000	\$	0	35554
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TOTAL GSF	General Services					35555
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Fund Group		\$	160,000	\$	10,000	35556
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Federal Special Revenue Fund Group				35557
3G6 322-639 Medicaid Waiver -	\$	456,311,171	\$ 506,618,829	35558
Federal				
3M7 322-650 CAFS Medicaid	\$	4,278,713	\$ 0	35559
325 322-612 Community Social	\$	11,186,114	\$ 11,164,639	35560
Service Programs				
TOTAL FED Federal Special Revenue				35561
Fund Group	\$	471,775,998	\$ 517,783,468	35562
State Special Revenue Fund Group				35563
4K8 322-604 Medicaid Waiver -	\$	12,000,000	\$ 12,000,000	35564
State Match				
5DJ 322-625 Targeted Case	\$	11,082,857	\$ 11,470,757	35565
Management Match				
5DJ 322-626 Targeted Case	\$	27,548,737	\$ 28,512,943	35566
Management Services				
5EV 322-627 Program Fees	\$	20,000	\$ 20,000	35567
5H0 322-619 Medicaid Repayment	\$	10,000	\$ 10,000	35568
5Z1 322-624 County Board Waiver	\$	116,000,000	\$ 126,000,000	35569
Match				
<u>5CT 322-632 Intensive Behavioral</u>	<u>\$</u>	<u>0</u>	<u>\$ 1,000,000</u>	35570
<u>Needs</u>				
TOTAL SSR State Special Revenue				35571
Fund Group	\$	166,661,594	\$ 178,013,700	35572
			<u>179,013,700</u>	
TOTAL ALL COMMUNITY SERVICES				35573
BUDGET FUND GROUPS	\$	869,271,565	\$ 949,357,826	35574
			<u>950,357,826</u>	

Sec. 337.30.43. TAX EQUITY 35576

Notwithstanding section 5126.18 of the Revised Code, ~~if a~~ 35577
~~county board of mental retardation and developmental disabilities~~ 35578
~~received a tax equity payment in fiscal year 2007, but would not~~ 35579

~~receive such a payment in fiscal years 2008 and 2009, the~~ 35580
~~Department of Mental Retardation and Developmental Disabilities~~ 35581
~~shall use the foregoing appropriation item 322-503, Tax Equity, to~~ 35582
~~pay each such board in each fiscal year of the biennium an amount~~ 35583
~~that is equal to the tax equity payment the board received in~~ 35584
~~fiscal year 2007 or \$25,000, whichever is less. The Department~~ 35585
~~shall use the remainder of the appropriation item to make tax~~ 35586
~~equity payments in accordance with section 5126.18 of the Revised~~ 35587
~~Code for fiscal year 2009, if the Department of Mental Retardation~~ 35588
~~and Developmental Disabilities determines that sufficient funds~~ 35589
~~are available, the Department shall use the foregoing~~ 35590
~~appropriation item 322-503, Tax Equity, to pay each county board~~ 35591
~~of mental retardation and developmental disabilities an amount~~ 35592
~~that is equal to the amount the board received for fiscal year~~ 35593
~~2008. If the Department determines that there are not sufficient~~ 35594
~~funds available in the appropriation item for this purpose, the~~ 35595
~~Department shall pay to each county board an amount that is~~ 35596
~~proportionate to the amount the board received for fiscal year~~ 35597
~~2008. Proportionality shall be determined by dividing the total~~ 35598
~~tax equity payments distributed to county boards for fiscal year~~ 35599
~~2008 by the tax equity payment a county board received for fiscal~~ 35600
~~year 2008.~~ 35601

Sec. 337.40. RESIDENTIAL FACILITIES

General Revenue Fund 35602

GRF	323-321	Developmental Center	\$	102,796,851	\$	102,796,851	35603
		and Residential					
		Facilities Operation					
		Expenses					
TOTAL GRF		General Revenue Fund	\$	102,796,851	\$	102,796,851	35604

General Services Fund Group 35605

152	323-609	Developmental Center	\$	912,177	\$	912,177	35606
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	and Residential			
	Operating Services			
TOTAL GSF General Services				35608
Fund Group		\$ 912,177	\$ 912,177	35609
Federal Special Revenue Fund Group				35610
3A4 323-605 Developmental Center		\$ 136,299,536	\$ 137,555,308	35611
	and Residential			
	Facility Services and			
	Support			
TOTAL FED Federal Special Revenue				35612
Fund Group		\$ 136,299,536	\$ 137,555,308	35613
State Special Revenue Fund Group				35614
221 322-620 Supplement Service		\$ 150,000	\$ 150,000	35615
	Trust			
489 323-632 Developmental Center		\$ 14,543,764	\$ 14,671,616	35616
	Direct Care Support			
TOTAL SSR State Special Revenue				35617
Fund Group		\$ 14,693,764	\$ 14,821,616	35618
TOTAL ALL RESIDENTIAL FACILITIES				35619
BUDGET FUND GROUPS		\$ 254,702,328	\$ 256,085,952	35620
DEPARTMENT TOTAL				35621
GENERAL REVENUE FUND		\$ 369,669,156	\$ 389,282,941	35622
DEPARTMENT TOTAL				35623
GENERAL SERVICES FUND GROUP		\$ 1,172,177	\$ 1,022,177	35624
DEPARTMENT TOTAL				35625
FEDERAL SPECIAL REVENUE FUND GROUP		\$ 610,780,538	\$ 658,082,406	35626
DEPARTMENT TOTAL				35627
STATE SPECIAL REVENUE FUND GROUP		\$ 192,359,213	204,307,651	35628
			<u>205,307,651</u>	
TOTAL DEPARTMENT OF MENTAL				35629
RETARDATION AND DEVELOPMENTAL				35630
DISABILITIES		\$ 1,173,981,084	\$ 1,252,695,175	35631

1,253,695,175

Sec. 337.40.15. GALLIPOLIS DEVELOPMENTAL CENTER PILOT PROGRAM 35633

35634

The Director of Mental Retardation and Developmental 35635
Disabilities shall establish, ~~as part of the Individual Options~~ 35636
~~Medicaid Waiver program,~~ a pilot program ~~to be operated~~ during 35637
calendar year 2009 under which the Gallipolis Developmental Center 35638
~~provides home and community based services under the Individual~~ 35639
~~Options Medicaid waiver program to not more than ten individuals~~ 35640
~~at one time~~ operates an intermediate care facility for the 35641
mentally retarded with eight beds at a site separate from the 35642
grounds of the developmental center. The Gallipolis Developmental 35643
Center may operate the intermediate care facility for the mentally 35644
retarded notwithstanding section 5123.196 of the Revised Code. 35645
Money shall be expended on the pilot program beginning in the 35646
first half of calendar year 2009. 35647

~~The pilot program shall be operated in a manner consistent~~ 35648
~~with the terms of the consent order filed March 5, 2007, in Martin~~ 35649
~~v. Strickland, Case No. 89 CV 00362, in the United States District~~ 35650
~~Court for the Southern District of Ohio, Eastern Division. The~~ 35651
~~pilot program also shall be operated in accordance with the~~ 35652
~~federal Medicaid waiver authorizing the Individual Options~~ 35653
~~Medicaid waiver program. Only individuals eligible for the~~ 35654
~~Individual Options Medicaid waiver program who volunteer to~~ 35655
~~receive home and community based services under the Individual~~ 35656
~~Options Medicaid waiver program from the Gallipolis Developmental~~ 35657
~~Center may participate in the pilot program. The Director of~~ 35658
Mental Retardation and Developmental Disabilities and the Director 35659
of Job and Family Services shall provide the Gallipolis 35660
Developmental Center technical assistance ~~the Center needs~~ 35661
regarding the pilot program. 35662

~~All expenses the Gallipolis Developmental Center incurs in participating in the pilot program shall be paid from the Medicaid payments the Center receives for providing home and community based services under the program.~~

The Director of Mental Retardation and Developmental Disabilities shall conduct an evaluation of the pilot program, including an evaluation of the quality and effectiveness of the ~~home and community based services~~ the Gallipolis Developmental Center provides under the pilot program. The Director shall submit a report of the evaluation to the Governor and the General Assembly not later than April 1, 2010. The Director shall include in the report recommendations ~~for or against permitting the Gallipolis Developmental Center to continue to provide home and community based services under the Individual Options Medicaid waiver program and permitting other developmental centers to begin to provide these services~~ regarding the continuation of the pilot program and whether other developmental centers should be permitted to establish and operate intermediate care facilities for the mentally retarded at sites separate from the grounds of the developmental centers.

Sec. 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO

General Services Fund Group					35684
5F6 870-622 Utility and Railroad	\$	32,820,027	\$	33,804,627	35685
Regulation					
5F6 870-624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	35686
5F6 870-625 Motor Transportation	\$	4,635,413	\$	4,772,765	35687
Regulation					
TOTAL GSF General Services					35688
Fund Group	\$	37,613,440	\$	38,735,392	35689
Federal Special Revenue Fund Group					35690
3V3 870-604 Commercial Vehicle	\$	300,000	\$	300,000	35691

Agency Fund Group				35712
4G4 870-616 Base State	\$	2,000,000	\$	0 35713
Registration Program				
TOTAL AGY Agency Fund Group	\$	2,000,000	\$	0 35714
TOTAL ALL BUDGET FUND GROUPS	\$	78,632,617	\$	64,468,698 35715
				<u>69,468,698</u> 35716
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT				35717
The fund created by section 4923.26 of the Revised Code is				35718
the same fund, with a new name, as the Commercial Vehicle				35719
Information Systems and Networks Fund (Fund 3V3).				35720
ENHANCED AND WIRELESS ENHANCED 9-1-1				35721
The foregoing appropriation item 870-623, Wireless 9-1-1				35722
Administration, shall be used pursuant to section 4931.63 of the				35723
Revised Code.				35724
TELECOMMUNICATIONS RELAY SERVICE FUNDING				35725
The Telecommunications Relay Service Fund is hereby created				35726
in the state treasury. The vendor selected to provide				35727
telecommunications relay service in Ohio, as required by 47 C.F.R.				35728
64.601, shall submit an invoice to the Public Utilities Commission				35729
by January 31, 2009, for costs it has incurred in providing the				35730
service during calendar year 2008. The Public Utilities Commission				35731
shall notify the Director of Budget and Management of the amount				35732
invoiced, and the Director of Budget and Management shall transfer				35733
that amount from the Public Utilities Fund (Fund 5F6) to the				35734
Telecommunications Relay Service Fund on or before February 28,				35735
2009. The amount transferred shall be used to pay the				35736
telecommunications relay service vendor the amount invoiced. This				35737
amount is hereby appropriated.				35738
Sec. 375.10. BOR BOARD OF REGENTS				35739
General Revenue Fund				35740

GRF 235-321	Operating Expenses	\$	3,141,351	\$	3,141,351	35741
GRF 235-401	Lease Rental Payments	\$	203,177,900	\$	136,017,500	35742
GRF 235-402	Sea Grants	\$	300,000	\$	300,000	35743
GRF 235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000	35744
GRF 235-408	Midwest Higher Education Compact	\$	95,000	\$	95,000	35745
GRF 235-409	Information System	\$	1,175,172	\$	1,175,172	35746
GRF 235-414	State Grants and Scholarship Administration	\$	1,707,881	\$	1,707,881	35747
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	35748
GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	35749
GRF 235-418	Access Challenge	\$	66,585,769	\$	66,585,769	35750
GRF 235-420	Success Challenge	\$	53,653,973	\$	53,653,973	35751
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	35752
GRF 235-433	Economic Growth Challenge	\$	17,186,194	\$	17,186,194	35753
GRF 235-434	College Readiness and Access	\$	12,655,425	\$	12,655,425	35754
GRF 235-435	Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	35755
GRF 235-436	AccelerateOhio	\$	1,250,000	\$	2,500,000	35756
GRF 235-438	Choose Ohio First Scholarship	\$	50,000,000	\$	50,000,000	35757
GRF 235-439	Ohio Research Scholars	\$	30,000,000	\$	0	35758
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	35759
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	35760
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	35761
GRF 235-501	State Share of	\$	1,678,877,952	\$	1,842,965,747	35762

	Instruction				
GRF 235-502	Student Support	\$	795,790	\$	795,790 35763
	Services				
GRF 235-503	Ohio Instructional	\$	42,533,966	\$	18,315,568 35764
	Grants				
GRF 235-504	War Orphans	\$	4,812,321	\$	4,812,321 35765
	Scholarships				
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824 35766
GRF 235-508	Air Force Institute of	\$	2,050,345	\$	2,050,345 35767
	Technology				
GRF 235-510	Ohio Supercomputer	\$	4,271,195	\$	4,271,195 35768
	Center				
GRF 235-511	Cooperative Extension	\$	26,273,260	\$	26,273,260 35769
	Service				
GRF 235-513	Ohio University	\$	669,082	\$	669,082 35770
	Voinovich Center				
GRF 235-514	Central State	\$	11,756,414	\$	12,109,106 35771
	Supplement				
GRF 235-515	Case Western Reserve	\$	3,011,271	\$	3,011,271 35772
	University School of				
	Medicine				
GRF 235-518	Capitol Scholarship	\$	125,000	\$	125,000 35773
	Program				
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470 35774
GRF 235-520	Shawnee State	\$	2,502,323	\$	2,577,393 35775
	Supplement				
GRF 235-521	The Ohio State	\$	619,082	\$	619,082 35776
	University John Glenn				
	School of Public				
	Affairs				
GRF 235-524	Police and Fire	\$	171,959	\$	171,959 35777
	Protection				
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110 35778

GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	35779
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	35780
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	35781
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376	35782
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292	35783
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	35784
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	35785
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	35786
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	35787
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	35788
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	35789
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	100,000	\$	100,000	35790
GRF 235-547	School of International Business	\$	450,000	\$	650,000	35791
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	35792
			<u>19,789,868</u>		<u>19,789,868</u>	

GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,931,599	\$	2,931,599	35793
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	35794
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	35795
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	35796
GRF 235-558	Long-term Care Research	\$	461,047	\$	461,047	35797
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	35798
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781	35799
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000	35800
GRF 235-571	James A. Rhodes Scholarship	\$	10,000,000	\$	0	35801
GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019	35802
GRF 235-573	Ohio Humanities Council	\$	25,000	\$	25,000	35803
GRF 235-583	Urban University Program	\$	5,825,937	\$	5,825,937	35804
GRF 235-587	Rural University Projects	\$	1,159,889	\$	1,159,889	35805
GRF 235-596	Hazardous Materials Program	\$	360,435	\$	360,435	35806
GRF 235-599	National Guard Scholarship Program	\$	16,611,063	\$	16,611,063	35807

GRF 235-909	Higher Education	\$ 172,722,400	\$ 208,747,200	35808
	General Obligation			
	Debt Service			
TOTAL GRF	General Revenue Fund	\$ 2,773,258,537	\$ 2,861,908,923	35809
		<u>2,773,741,963</u>	<u>2,862,392,349</u>	
General Services Fund Group				35810
220 235-614	Program Approval and	\$ 800,000	\$ 800,000	35811
	Reauthorization			
456 235-603	Sales and Services	\$ 700,000	\$ 700,000	35812
TOTAL GSF	General Services			35813
Fund Group		\$ 1,500,000	\$ 1,500,000	35814
Federal Special Revenue Fund Group				35815
3BG 235-626	Star Schools	\$ 2,980,865	\$ 2,990,746	35816
3H2 235-608	Human Services Project	\$ 3,000,000	\$ 3,000,000	35817
3H2 235-622	Medical Collaboration	\$ 3,346,144	\$ 3,346,144	35818
	Network			
3N6 235-605	State Student	\$ 2,196,680	\$ 2,196,680	35819
	Incentive Grants			
3T0 235-610	National Health	\$ 250,000	\$ 250,000	35820
	Service Corps - Ohio			
	Loan Repayment			
312 235-609	Tech Prep	\$ 183,850	\$ 183,850	35821
312 235-611	Gear-up Grant	\$ 3,300,000	\$ 3,300,000	35822
312 235-612	Carl D. Perkins	\$ 112,960	\$ 112,960	35823
	Grant/Plan			
	Administration			
312 235-617	Improving Teacher	\$ 3,200,000	\$ 3,200,000	35824
	Quality Grant			
312 235-621	Science Education	\$ 1,686,970	\$ 1,686,970	35825
	Network			
TOTAL FED	Federal Special Revenue			35826
Fund Group		\$ 20,257,469	\$ 20,267,350	35827

State Special Revenue Fund Group				35828
4E8 235-602 Higher Educational Facility Commission Administration	\$	50,000	\$ 45,000	35829
4P4 235-604 Physician Loan Repayment	\$	476,870	\$ 476,870 0	35830
649 235-607 The Ohio State University Highway/Transportation Research	\$	760,000	\$ 760,000	35831
682 235-606 Nursing Loan Program	\$	893,000	\$ 893,000	35832
5DT 235-627 American Diploma Project	\$	250,000	\$ 0	35833
TOTAL SSR State Special Revenue Fund Group	\$	2,429,870	\$ 2,174,870 <u>1,698,000</u>	35834
TOTAL ALL BUDGET FUND GROUPS	\$	2,797,445,876 <u>2,797,929,302</u>	\$ 2,885,851,143 <u>2,885,857,699</u>	35836

Sec. 379.10. RSC REHABILITATION SERVICES COMMISSION 35838

General Revenue Fund				35839
GRF 415-100 Personal Services	\$	8,851,468	\$ 8,851,468	35840
GRF 415-402 Independent Living Council	\$	450,000	\$ 450,000	35841
GRF 415-406 Assistive Technology	\$	47,531	\$ 47,531	35842
GRF 415-431 Office for People with Brain Injury	\$	226,012	\$ 226,012	35843
GRF 415-506 Services for People with Disabilities	\$	16,959,541	\$ 17,259,541	35844
GRF 415-508 Services for the Deaf	\$	50,000	\$ 50,000	35845
TOTAL GRF General Revenue Fund	\$	26,584,552	\$ 26,884,552	35846
General Services Fund Group				35847

4W5	415-606	Program Management Expenses	\$	18,123,188	\$	18,557,040	35848
467	415-609	Business Enterprise Operating Expenses	\$	1,632,082	\$	1,632,082	35849
TOTAL GSF General Services							35850
Fund Group			\$	19,755,270	\$	20,189,122	35851
Federal Special Revenue Fund Group							35852
3L1	415-601	Social Security Personal Care Assistance	\$	3,743,740	\$	3,743,740	35853
3L1	415-605	Social Security Community Centers for the Deaf	\$	750,000	\$	750,000	35854
3L1	415-608	Social Security Vocational Rehabilitation	\$	1,506,260	\$	1,506,260	35855
3L4	415-612	Federal Independent Living Centers or Services	\$	648,908	\$	648,908	35856
3L4	415-615	Federal - Supported Employment	\$	884,451	\$	796,006	35857
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,490,944	\$	1,490,944	35858
317	415-620	Disability Determination	\$	82,808,006	\$	87,546,215	35859
379	415-616	Federal - Vocational Rehabilitation	\$	122,484,545	\$	123,638,578	35860
TOTAL FED Federal Special Revenue Fund Group							35861
State Special Revenue Fund Group			\$	214,316,854	\$	220,120,651	35862
State Special Revenue Fund Group							35863

4L1	415-619	Services for Rehabilitation	\$	3,765,337	\$	4,500,000	35864
468	415-618	Third Party Funding	\$	906,910	\$	906,910	35865
TOTAL SSR State Special							35866
Revenue Fund Group			\$	4,672,247	\$	5,406,910	35867
TOTAL ALL BUDGET FUND GROUPS			\$	265,328,923	\$	272,601,235	35868

INDEPENDENT LIVING COUNCIL 35869

The foregoing appropriation item 415-402, Independent Living 35870
 Council, shall be used to fund the operations of the State 35871
 Independent Living Council and shall be used to support state 35872
 independent living centers and independent living services under 35873
 Title VII of the Independent Living Services and Centers for 35874
 Independent Living of the Rehabilitation Act Amendments of 1992, 35875
 106 Stat. 4344, 29 U.S.C. 796d. 35876

OFFICE FOR PEOPLE WITH BRAIN INJURY 35877

Of the foregoing appropriation item 415-431, Office for 35878
 People with Brain Injury, up to \$50,000 in each fiscal year shall 35879
 be used for the state match for a federal grant awarded through 35880
 the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to 35881
 \$50,000 in each fiscal year shall be provided to the Brain Injury 35882
 Trust Fund. The remaining appropriation shall be used to plan and 35883
 coordinate head-injury-related services provided by state agencies 35884
 and other government or private entities, to assess the needs for 35885
 such services, and to set priorities in this area. 35886

VOCATIONAL REHABILITATION SERVICES 35887

The foregoing appropriation item 415-506, Services for People 35888
 with Disabilities, shall be used as state matching funds to 35889
 provide vocational rehabilitation services to eligible consumers. 35890

SERVICES FOR THE DEAF 35891

The foregoing appropriation item 415-508, Services for the 35892
Deaf, shall be used to provide grants to community centers for the 35893

deaf. These funds shall not be provided in lieu of Social Security 35894
reimbursement funds. 35895

PROGRAM MANAGEMENT EXPENSES 35896

The foregoing appropriation item 415-606, Program Management 35897
Expenses, shall be used to support the administrative functions of 35898
the commission related to the provision of vocational 35899
rehabilitation, disability determination services, and ancillary 35900
programs. 35901

NATIONAL ACCREDITATION COMPLIANCE 35902

Of the foregoing appropriation item 415-616, Federal - 35903
Vocational Rehabilitation, ~~\$125,000 in each fiscal year~~ \$250,000 35904
over the biennium shall be used to establish and implement a 35905
Community Rehabilitation Program national accreditation compliance 35906
and monitoring program administered by the Ohio Association of 35907
Rehabilitation Facilities. 35908

Not later than 30 days after the effective date of this 35909
amendment, the Rehabilitation Services Commission shall enter into 35910
a contract or other agreement that complies with 34 CRF 361.3(b) 35911
and 34 CRF 361.5(b)(2) with the Ohio Association of Rehabilitation 35912
Facilities and convey the funds to establish and implement the 35913
Community Rehabilitation Program national accreditation compliance 35914
and monitoring program. 35915

CLEVELAND SIGHT CENTER 35916

Of the foregoing appropriation item 415-616, Federal - 35917
Vocational Rehabilitation, \$100,000 in each fiscal year shall be 35918
provided to the Cleveland Sight Center for Technology Initiative 35919
to purchase adaptive technology and software for the employment of 35920
Ohioans who are blind or visually impaired. 35921

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 35922

The foregoing appropriation item 415-617, Independent 35923

Living/Vocational Rehabilitation Programs, shall be used to	35924
support vocational rehabilitation programs.	35925
SOCIAL SECURITY REIMBURSEMENT FUNDS	35926
Reimbursement funds received from the Social Security	35927
Administration, United States Department of Health and Human	35928
Services, for the costs of providing services and training to	35929
return disability recipients to gainful employment shall be used	35930
in the Social Security Reimbursement Fund (Fund 3L1), to the	35931
extent funds are available, as follows:	35932
(A) Appropriation item 415-601, Social Security Personal Care	35933
Assistance, to provide personal care services in accordance with	35934
section 3304.41 of the Revised Code;	35935
(B) Appropriation item 415-608, Social Security Vocational	35936
Rehabilitation, to provide vocational rehabilitation services to	35937
individuals with severe disabilities who are Social Security	35938
beneficiaries, to enable them to achieve competitive employment.	35939
This appropriation item also includes funds to assist the Personal	35940
Care Assistance Program to pay its share of indirect costs as	35941
mandated by federal OMB Circular A-87.	35942
PERFORMANCE AUDIT	35943
The Auditor of State shall complete a performance audit of	35944
the Rehabilitation Services Commission. Upon completing the	35945
performance audit, the Auditor of State shall submit a report of	35946
the findings of the audit to the Governor, the President of the	35947
Senate, the Speaker of the House of Representatives, and the Board	35948
of Rehabilitation Services Commission. Expenses incurred by the	35949
Auditor of State to conduct the performance audit shall be	35950
reimbursed by the Rehabilitation Services Commission.	35951
INTERNAL REVIEW	35952
The Administrator of the Rehabilitation Services Commission	35953

shall consult with the Director of Budget and Management and 35954
representatives of local rehabilitation services agencies to 35955
conduct an internal review of policies and procedures to increase 35956
efficiency and identify and eliminate duplicative practices. Any 35957
savings identified as a result of the internal review or the 35958
performance audit conducted by the Auditor of State shall be used 35959
for community-based care. 35960

The Administrator of the Rehabilitation Services Commission 35961
shall seek Controlling Board approval before expending any funds 35962
identified as a result of the internal review or the performance 35963
audit. 35964

Sec. 393.10. SOS SECRETARY OF STATE 35965

General Revenue Fund 35966

GRF	050-321	Operating Expenses	\$	2,585,000	\$	2,585,000	35967
GRF	050-403	Election Statistics	\$	103,936	\$	103,936	35968
GRF	050-407	Pollworkers Training	\$	277,997	\$	277,997	35969
GRF	050-409	Litigation	\$	4,652	\$	4,652	35970

Expenditures

GRF	<u>050-505</u>	<u>County Postage</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,000,000</u>	35971
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Reimbursement

TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	35972
				<u>5,971,585</u>	

General Services Fund Group 35973

4S8	050-610	Board of Voting	\$	7,200	\$	7,200	35974
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Machine Examiners

412	050-609	Notary Commission	\$	685,249	\$	685,249	35975
413	050-601	Information Systems	\$	119,955	\$	119,955	35976
414	050-602	Citizen Education	\$	55,712	\$	55,712	35977

Fund

TOTAL General Services Fund Group	\$	868,116	\$	868,116	35978
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Federal Special Revenue Fund Group 35979

3AH 050-614	Election Reform/Health and Human Services	\$	1,000,000	\$	1,000,000	35980
3AS 050-616	2005 HAVA Voting Machines	\$	4,750,000	\$	2,750,000	35981
3X4 050-612	Ohio Center/Law Related Educational Grant	\$	41,000	\$	41,000	35982
TOTAL FED	Federal Special Revenue					35983
Fund Group		\$	5,791,000	\$	3,791,000	35984
State Special Revenue	Fund Group					35985
5N9 050-607	Technology Improvements	\$	129,565	\$	129,565	35986
599 050-603	Business Services Operating Expenses	\$	13,761,734	\$	13,761,734	35987
TOTAL SSR	State Special Revenue					35988
Fund Group		\$	13,891,299	\$	13,891,299	35989
Holding Account	Redistribution Fund Group					35990
R01 050-605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	35991
R02 050-606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	35992
TOTAL 090	Holding Account					35993
Redistribution	Fund Group	\$	115,000	\$	115,000	35994
TOTAL ALL BUDGET	FUND GROUPS	\$	23,637,000	\$	21,637,000 <u>24,637,000</u>	35995

COUNTY POSTAGE REIMBURSEMENT

35996

The foregoing appropriation item 050-505, County Postage 35997
Reimbursement, shall be used to pay costs incurred by boards of 35998
elections to mail an absent voter's ballot application to each 35999
elector who is required to receive a notice under section 3501.19 36000
of the Revised Code for the November 4, 2008, general election. 36001
The foregoing appropriation also shall be used to pay return 36002

postage for absent voter's ballot applications returned by 36003
electors who wish to vote by absent voter's ballot at that 36004
election. Absent voter's ballot applications required to be mailed 36005
by a board of elections shall be mailed in conjunction with the 36006
notice of election required under section 3501.19 of the Revised 36007
Code. The Secretary of State shall establish a method by which 36008
funds for mailing absent voter's ballot applications are made 36009
available to boards of elections in advance of the required 36010
mailing. 36011

BOARD OF VOTING MACHINE EXAMINERS 36012

The foregoing appropriation item 050-610, Board of Voting 36013
Machine Examiners, shall be used to pay for the services and 36014
expenses of the members of the Board of Voting Machine Examiners, 36015
and for other expenses that are authorized to be paid from the 36016
Board of Voting Machine Examiners Fund, which is created in 36017
section 3506.05 of the Revised Code. Moneys not used shall be 36018
returned to the person or entity submitting the equipment for 36019
examination. If it is determined that additional appropriations 36020
are necessary, such amounts are appropriated. 36021

2005 HAVA VOTING MACHINES 36022

Of the foregoing appropriation item 050-616, 2005 HAVA Voting 36023
Machines, in fiscal year 2008 \$15,000 shall be distributed to the 36024
Vinton County Board of Elections and \$15,000 shall be distributed 36025
to the Morgan County Board of Elections to be used for emergency 36026
assistance for elections. 36027

On July 1, 2008, or as soon as possible thereafter, the 36028
Director of Budget and Management shall transfer any remaining 36029
unexpended, unencumbered appropriations in Fund 3AS, appropriation 36030
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 36031
2009. The transferred amount is hereby appropriated. 36032

On July 1, 2008, or as soon as possible thereafter, the 36033

Director of Budget and Management shall transfer any remaining 36034
unexpended, unencumbered appropriations in Fund 3AH, appropriation 36035
item 050-614, Election Reform/Health and Human Services Fund, for 36036
use in fiscal year 2009. The transferred amount is hereby 36037
appropriated. 36038

Ongoing interest earnings from the federal Election 36039
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 36040
Voting Machines Fund (Fund 3AS) shall be credited to the 36041
respective funds and distributed in accordance with the terms of 36042
the grant under which the money is received. 36043

HOLDING ACCOUNT REDISTRIBUTION GROUP 36044

The foregoing appropriation items 050-605 and 050-606, 36045
Holding Account Redistribution Fund Group, shall be used to hold 36046
revenues until they are directed to the appropriate accounts or 36047
until they are refunded. If it is determined that additional 36048
appropriations are necessary, such amounts are appropriated. 36049

Sec. 405.10. TAX DEPARTMENT OF TAXATION 36050

General Revenue Fund 36051

GRF 110-321 Operating Expenses	\$	92,040,062	\$	92,440,062	36052
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GRF 110-404 Tobacco Settlement	\$	0	\$	328,034	36053
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Enforcement

GRF 110-412 Child Support	\$	71,680	\$	71,680	36054
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Administration

GRF 110-901 Property Tax	\$	446,953,165	\$	478,613,618	36055
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Allocation - Taxation

GRF 110-906 Tangible Tax Exemption	\$	9,177,962	\$	4,588,981	36056
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- Taxation

TOTAL GRF General Revenue Fund	\$	548,242,869	\$	576,042,375	36057
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General Services Fund Group 36058

433 110-602 Tape File Account	\$	125,000	\$	140,000	36059
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5BQ	110-629	Commercial Activity Tax Administration	\$	6,000,000	\$	6,000,000	36060
5W4	110-625	Centralized Tax Filing and Payment	\$	400,000	\$	200,000	36061
5W7	110-627	Exempt Facility Administration	\$	100,000	\$	150,000	36062
5CZ	110-631	Vendor's License Application	\$	1,000,000	\$	1,000,000	36063
TOTAL GSF General Services							36064
Fund Group			\$	7,625,000	\$	7,490,000	36065
State Special Revenue Fund Group							36066
4C6	110-616	International Registration Plan	\$	706,855	\$	706,855	36067
4R6	110-610	Tire Tax Administration	\$	125,000	\$	150,000	36068
435	110-607	Local Tax Administration	\$	17,250,000	\$	17,250,000	36069
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000	36070
437	110-606	Litter Tax and Natural Resource Tax Administration	\$	675,000	\$	800,000	36071
438	110-609	School District Income Tax	\$	3,600,000	\$	3,600,000	36072
<u>5AP0</u>	<u>110632</u>	<u>Discovery Project</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u>	36073
5N5	110-605	Municipal Income Tax Administration	\$	500,000	\$	500,000	36074
5N6	110-618	Kilowatt Hour Tax Administration	\$	125,000	\$	175,000	36075
5V7	110-622	Motor Fuel Tax Administration	\$	4,700,000	\$	5,000,000	36076
5V8	110-623	Property Tax Administration	\$	13,500,000	\$	13,500,000	36077
639	110-614	Cigarette Tax	\$	100,000	\$	100,000	36078

	Enforcement			
642	110-613	Ohio Political Party	\$ 600,000	\$ 600,000 36079
	Distributions			
688	110-615	Local Excise Tax	\$ 210,000	\$ 180,000 36080
	Administration			
TOTAL SSR State Special Revenue				36081
Fund Group			\$ 43,291,855	\$ 43,761,855 36082
				<u>45,761,855</u> 36083
Agency Fund Group				36084
095	110-995	Municipal Income Tax	\$ 21,000,000	\$ 21,000,000 36085
425	110-635	Tax Refunds	\$ 1,565,900,000	\$ 1,546,800,000 36086
TOTAL AGY Agency Fund Group				\$ 1,586,900,000 \$ 1,567,800,000 36087
Holding Account Redistribution Fund Group				36088
R10	110-611	Tax Distributions	\$ 50,000	\$ 50,000 36089
R11	110-612	Miscellaneous Income	\$ 50,000	\$ 50,000 36090
	Tax Receipts			
TOTAL 090 Holding Account				36091
Redistribution Fund Group			\$ 100,000	\$ 100,000 36092
TOTAL ALL BUDGET FUND GROUPS				\$ 2,186,159,724 \$ 2,195,194,230 36093
				<u>2,197,194,230</u> 36094
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX				36095
EXEMPTION				36096
The foregoing appropriation item 110-901, Property Tax				36097
Allocation - Taxation, is hereby appropriated to pay for the				36098
state's costs incurred because of the Homestead Exemption, the				36099
Manufactured Home Property Tax Rollback, and the Property Tax				36100
Rollback. The Tax Commissioner shall distribute these funds				36101
directly to the appropriate local taxing districts, except for				36102
school districts, notwithstanding the provisions in sections				36103
321.24 and 323.156 of the Revised Code, which provide for payment				36104
of the Homestead Exemption, the Manufactured Home Property Tax				36105
Rollback, and Property Tax Rollback by the Tax Commissioner to the				36106

appropriate county treasurer and the subsequent redistribution of 36107
these funds to the appropriate local taxing districts by the 36108
county auditor. 36109

The foregoing appropriation item 110-906, Tangible Tax 36110
Exemption - Taxation, is hereby appropriated to pay for the 36111
state's costs incurred because of the tangible personal property 36112
tax exemption required by division (C)(3) of section 5709.01 of 36113
the Revised Code. The Tax Commissioner shall distribute to each 36114
county treasurer the total amount appearing in the notification 36115
from the county treasurer under division (G) of section 321.24 of 36116
the Revised Code for all local taxing districts located in the 36117
county except for school districts, notwithstanding the provision 36118
in section 321.24 of the Revised Code which provides for payment 36119
of the \$10,000 tangible personal property tax exemption by the Tax 36120
Commissioner to the appropriate county treasurer for all local 36121
taxing districts located in the county including school districts. 36122
The county auditor shall distribute the amount paid by the Tax 36123
Commissioner among the appropriate local taxing districts except 36124
for school districts under division (G) of section 321.24 of the 36125
Revised Code. 36126

Upon receipt of these amounts, each local taxing district 36127
shall distribute the amount among the proper funds as if it had 36128
been paid as real or tangible personal property taxes. Payments 36129
for the costs of administration shall continue to be paid to the 36130
county treasurer and county auditor as provided for in sections 36131
319.54, 321.26, and 323.156 of the Revised Code. 36132

Any sums, in addition to the amounts specifically 36133
appropriated in appropriation items 110-901, Property Tax 36134
Allocation - Taxation, for the Homestead Exemption, the 36135
Manufactured Home Property Tax Rollback, and the Property Tax 36136
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 36137
for the \$10,000 tangible personal property tax exemption payments, 36138

which are determined to be necessary for these purposes, are 36139
hereby appropriated. 36140

TAX DEPARTMENT DISCOVERY PROJECT 36141

On July 1, 2008, or as soon thereafter as possible, the 36142
Director of Budget and Management shall transfer \$2,000,000 in 36143
cash from the General Revenue Fund to appropriation item 110632, 36144
Discovery Project (Fund 5APO), to acquire the necessary hardware, 36145
software, and services to establish and implement a tax discovery 36146
data system and for expenses incurred by the Department of 36147
Taxation to administer the system. The amount transferred is 36148
hereby appropriated in appropriation item 110632, Discovery 36149
Project, for fiscal year 2009. 36150

If, at any time during fiscal year 2009, the Tax Commissioner 36151
determines that additional cash transfers are necessary in 36152
appropriation item 110632, Discovery Project, to pay the actual 36153
costs of the tax discovery data system and other expenses the 36154
Department incurs attributable to the system in fiscal year 2009, 36155
the Tax Commissioner may request that the Director of Budget and 36156
Management increase such amounts. Such amounts are hereby 36157
appropriated, with the approval of the Director of Budget and 36158
Management. 36159

MUNICIPAL INCOME TAX 36160

The foregoing appropriation item 110-995, Municipal Income 36161
Tax, shall be used to make payments to municipal corporations 36162
under section 5745.05 of the Revised Code. If it is determined 36163
that additional appropriations are necessary to make these 36164
payments, such amounts are hereby appropriated. 36165

TAX REFUNDS 36166

The foregoing appropriation item 110-635, Tax Refunds, shall 36167
be used to pay refunds under section 5703.052 of the Revised Code. 36168
If it is determined that additional appropriations are necessary 36169

for this purpose, such amounts are hereby appropriated.	36170
INTERNATIONAL REGISTRATION PLAN AUDIT	36171
The foregoing appropriation item 110-616, International	36172
Registration Plan, shall be used under section 5703.12 of the	36173
Revised Code for audits of persons with vehicles registered under	36174
the International Registration Plan.	36175
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	36176
Of the foregoing appropriation item 110-607, Local Tax	36177
Administration, the Tax Commissioner may disburse funds, if	36178
available, for the purposes of paying travel expenses incurred by	36179
members of Ohio's delegation to the Streamlined Sales Tax Project,	36180
as appointed under section 5740.02 of the Revised Code. Any travel	36181
expense reimbursement paid for by the Department of Taxation shall	36182
be done in accordance with applicable state laws and guidelines.	36183
LITTER CONTROL TAX ADMINISTRATION FUND	36184
Notwithstanding section 5733.12 of the Revised Code, during	36185
the period from July 1, 2007, to June 30, 2008, the amount of	36186
\$675,000, and during the period from July 1, 2008, to June 30,	36187
2009, the amount of \$800,000, received by the Tax Commissioner	36188
under Chapter 5733. of the Revised Code, shall be credited to the	36189
Litter Control Tax Administration Fund (Fund 437).	36190
CENTRALIZED TAX FILING AND PAYMENT FUND	36191
The Director of Budget and Management, under a plan submitted	36192
by the Tax Commissioner, or as otherwise determined by the	36193
Director of Budget and Management, shall set a schedule to	36194
transfer cash from the General Revenue Fund to the credit of the	36195
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers	36196
of cash shall not exceed \$600,000 in the biennium.	36197
COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND	36198
The foregoing appropriation item 110-629, Commercial Activity	36199

Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 36200
incurred by the Department of Taxation to implement and administer 36201
the Commercial Activity Tax under Chapter 5751. of the Revised 36202
Code. 36203

Notwithstanding section 3734.9010, division (B)(2)(c) of 36204
section 4505.09, division (B) of section 5703.12, section 5703.80, 36205
division (C)(6) of section 5727.81, sections 5733.122 and 36206
5735.053, division (C) of section 5739.21, section 5745.03, 36207
section 5743.024, section 5743.15, division (C) of section 36208
5747.03, and section 5747.113 of the Revised Code or any other 36209
provisions to the contrary, any residual cash balances determined 36210
and certified by the Tax Commissioner to the Director of Budget 36211
and Management shall be transferred on July 1, 2007, or as soon as 36212
possible thereafter, to the Commercial Activities Tax 36213
Administration Fund (Fund 5BQ). 36214

TOBACCO SETTLEMENT ENFORCEMENT 36215

The foregoing appropriation item 110-404, Tobacco Settlement 36216
Enforcement, shall be used by the Tax Commissioner to pay costs 36217
incurred in the enforcement of divisions (F) and (G) of section 36218
5743.03 of the Revised Code. 36219

Sec. 407.10. DOT DEPARTMENT OF TRANSPORTATION 36220

Transportation Modes 36221

General Revenue Fund 36222

GRF 775-451 Public Transportation \$ 16,700,000 \$ 17,000,000 36223
- State

GRF 776-465 Ohio Rail Development \$ 3,700,000 \$ 3,700,000 36224
Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 36225
Crossing/Grade
Separation

GRF 777-471 Airport Improvements	\$	3,293,985	\$	1,794,003	36226
- State					
TOTAL GRF General Revenue Fund	\$	24,483,585	\$	23,283,603	36227
TOTAL ALL BUDGET FUND GROUPS	\$	24,483,585	\$	23,283,603	36228

~~PUBLIC TRANSPORTATION—STATE~~ 36229

~~Of the foregoing GRF appropriation item 775-451, Public~~ 36230
~~Transportation—State, \$200,000 in fiscal year 2008 shall be used~~ 36231
~~for the Cleveland Metropolitan Park District West Creek Project.~~ 36232

TRANSPORTATION STUDY 36233

Of the foregoing appropriation item 775-451, Public 36234
Transportation-State, \$50,000 in fiscal year 2008 shall be used 36235
for a Franklin County school transportation study to determine the 36236
feasibility of a countywide pupil transportation system. 36237

~~AIRPORT IMPROVEMENTS~~ 36238

~~Of the foregoing appropriation item 777-471, Airport~~ 36239
~~Improvements—State, \$1,500,000 in fiscal year 2008 shall be used~~ 36240
~~for air travel and support and economic development of statewide~~ 36241
~~airports. The Directors of Development and Transportation may~~ 36242
~~enter into one or more interagency agreements between their two~~ 36243
~~departments as necessary to implement a statewide strategy to~~ 36244
~~enhance Ohio's airports as centers of regional economic~~ 36245
~~development.~~ 36246

Sec. 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM 36247
NON-GRF FUNDS 36248

Notwithstanding any other provision of law to the contrary, 36249
during fiscal years 2008 and 2009, the Director of Budget and 36250
Management is hereby authorized to transfer cash from non-General 36251
Revenue Fund funds that are not constitutionally restricted to the 36252
General Revenue Fund. The total amount of cash transfers made 36253
pursuant to this section to the General Revenue Fund during fiscal 36254

years 2008 and 2009 shall not exceed ~~\$70,000,000~~ \$120,000,000. 36255

Sec. 512.35. DIESEL EMISSIONS REDUCTION AND TRANSIT CAPITAL 36256
GRANT PROGRAMS 36257

~~On the first day of July of each fiscal year or as soon as possible thereafter, the Director of Budget and Management shall (1) transfer \$9,817,105 in cash in fiscal year 2008 and \$10,057,814 in cash in fiscal year 2009 from the Highway Operating Fund (Fund 002) to the Diesel Emissions Grant Fund established in section 122.861 of the Revised Code and (2) transfer \$5,000,000 in each fiscal year from the Highway Operating Fund to the Transit Capital Fund (Fund 5E7). The amounts transferred are hereby appropriated.~~ 36258
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~~The transfer to the Diesel Emissions Grant Fund shall be used for the administration and oversight of the Diesel Emissions Reduction Grant Program within the Department of Development. In There is hereby established in the Highway Operating Fund (Fund 7002) in the Department of Transportation a Diesel Emissions Reduction Grant Program. The Department of Development shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Department of Transportation shall process Federal Highway Administration-approved projects as recommended by the Department of Development.~~ 36267
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In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the ~~Congestion Mitigation and Air Quality (CMAQ)~~ CMAQ Program. The Director of Development, in consultation 36279
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with the Director of Environmental Protection, shall develop 36286
guidance for distribution of the funds from the Diesel Emissions 36287
Grant Fund. The guidance shall include a method for prioritization 36288
of projects, acceptable technologies, and procedures for awarding 36289
grants and loans. 36290

~~The transfer to the Transit Capital Fund (Fund 5E7) shall be 36291
used to supplement the capital portion of the Ohio Public 36292
Transportation Grant Program within the Department of 36293
Transportation. 36294~~

These Public entities eligible to receive funds under section 36295
122.861 of the Revised Code and CMAQ shall be reimbursed from the 36296
Department of Transportation's Diesel Emissions Reduction Grant 36297
Program. 36298

Private entities eligible to receive funds under section 36299
122.861 of the Revised Code and CMAQ shall be reimbursed through 36300
transfers of cash from the Department of Transportation's Diesel 36301
Emissions Reduction Grant Program to the Department of 36302
Development's Diesel Emissions Reduction Grant Fund (Fund 3BD0) 36303
established in section 122.861 of the Revised Code. 36304

Appropriation item 195-697, Diesel Emissions Reduction 36305
Grants, is hereby established with an appropriation of \$9,817,105 36306
in fiscal year 2008 and \$10,057,814 in fiscal year 2009. Total 36307
expenditures between both the Departments of Development and 36308
Transportation shall not exceed the appropriated amounts stated in 36309
this section. 36310

On or before June 30, 2008, any unencumbered balance of the 36311
foregoing appropriation item 195-697, Diesel Emissions Reduction 36312
Grants, for fiscal year 2008, less amounts encumbered by the 36313
Department of Transportation for reimbursement of public entities 36314
for fiscal year 2008, is hereby appropriated for the same purposes 36315
for fiscal year 2009. 36316

Up to \$5,000,000 in the Highway Operating Fund (Fund 7002) 36317
shall be used each fiscal year for the Transit Capital Program in 36318
conjunction with funding provided in the Department of 36319
Transportation's budget under the Ohio Public Transportation Grant 36320
Program. 36321

On or before June 30, 2008, any unencumbered balance of the 36322
Transit Capital Program in fiscal year 2008 is hereby appropriated 36323
for the same purposes in fiscal year 2009. 36324

Any cash transfers or allocations under this section 36325
represent CMAQ program moneys within the Department of 36326
Transportation for use by the Diesel Emissions Reduction Grant 36327
Program by the Department of Development and for use by the Ohio 36328
Public Transportation Grant Program by the Ohio Department of 36329
Transportation. These allocations shall not reduce the amount of 36330
such moneys designated for metropolitan planning organizations. 36331

The Director of Development, in consultation with the 36332
Directors of Environmental Protection and Transportation, shall 36333
develop guidance for the administration of the Diesel Emissions 36334
Reduction Grant Program. The guidance shall include a method for 36335
prioritization of projects, acceptable technologies, and 36336
procedures for awarding grants. 36337

Sec. 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 36338
SECURITIZATION 36339

(A) Notwithstanding any other provision of law to the 36340
contrary, the Director of Budget and Management, periodically on 36341
any date following the issuance of the tobacco obligations 36342
authorized in section 183.51 of the Revised Code and through June 36343
30, 2009, shall: 36344

(1) Determine the amount of appropriation items 235-909, 36345
Higher Education General Obligation Debt Service, and 230-908, 36346

Common Schools General Obligation Debt Service, that are in excess 36347
of the amounts needed to pay all debt service and financing costs 36348
on those obligations payable from each of those items and transfer 36349
all or any portion of that excess appropriation to appropriation 36350
item 200-901, Property Tax Allocation-Education, or 110-901, 36351
Property Tax Allocation-Taxation, or both together as needed for 36352
the purposes of making the state's property tax relief payments to 36353
school districts and counties. 36354

(2) Determine the amount by which interest earnings credited 36355
to Fund 034, Higher Education Improvement Fund, and Fund 032, 36356
School Building Program Assistance Fund, from the investment of 36357
the net proceeds of those tobacco obligations exceed the amount 36358
needed to satisfy appropriations from those funds, transfer all or 36359
part of that excess cash balance to the General Revenue Fund, and 36360
increase appropriation item 200-901, Property Tax 36361
Allocation-Education, or 110-901, Property Tax 36362
Allocation-Taxation, or both together, by up to the amount of cash 36363
so transferred to the General Revenue Fund. 36364

(3) Determine the amount of capital appropriations in 36365
CAP-770, School Building Assistance Program, and transfers of cash 36366
to Fund 5E3, School Facilities Commission, that are necessary to 36367
fully expend the amount of net proceeds deposited into Fund 032, 36368
School Building Program Assistance Fund, from the issuance of 36369
those tobacco obligations, and increase the appropriations for 36370
CAP-770 and appropriation item 230-644, Operating Expenses-School 36371
Facilities Commission, by the necessary amounts. 36372

(4) Determine the amount of additional capital 36373
appropriations, if any necessary to fully expend the amount of net 36374
proceeds deposited from the issuance of those tobacco obligations 36375
into Fund 034, Higher Education Improvement Fund. 36376

(5) Reduce by up to \$800,000,000 the amount of authorization 36377
to issue and sell general obligations to pay the costs of capital 36378

facilities for a system of common schools throughout the state 36379
granted to the Ohio Public Facilities Commission by prior acts of 36380
the General Assembly. This reduction reflects the utilization of 36381
the net proceeds of those tobacco obligations in place of general 36382
obligation bond proceeds to support capital appropriations payable 36383
from Fund 032, School Building Assistance Fund. 36384

(6) Reduce by up to \$950,000,000 the amount of authorization 36385
to issue and sell general obligations to pay the costs of capital 36386
facilities for state-supported and state-assisted institutions of 36387
higher education granted to the Ohio Public Facilities Commission 36388
by prior acts of the General Assembly. This reduction reflects the 36389
utilization of the net proceeds of those tobacco obligations in 36390
place of general obligation bond proceeds to support capital 36391
appropriations payable from Fund 034, Higher Education Improvement 36392
Fund. 36393

(B) Before Except for transfers to the General Revenue Fund 36394
in accordance with division (A)(2) of this section, before the 36395
Office of Budget and Management transfers or increases or 36396
decreases any appropriations or authorizations described in 36397
division (A) of this section, the Office of Budget and Management 36398
shall seek Controlling Board approval. 36399

Section 610.41. That existing Sections 207.20.50, 207.20.70, 36400
207.30.10, 207.30.20, 207.30.30, 219.10, 235.10, 261.10, 263.10, 36401
263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 36402
269.50.30, 275.10, 293.10, 299.10, 307.10, 309.10, 309.30.13, 36403
309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30, 36404
337.30.43, 337.40, 337.40.15, 369.10, 375.10, 379.10, 393.10, 36405
405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of 36406
the 127th General Assembly are hereby repealed. 36407
36408

Section 610.44. That Section 249.10 of Am. Sub. H.B. 119 of 36409
the 127th General Assembly, as amended by Am. Sub. S.B. 155 of the 36410
127th General Assembly, be amended to read as follows: 36411

Sec. 249.10. CEB CONTROLLING BOARD 36412

General Revenue Fund 36413

GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000 36414

GRF 911-441 Ballot Advertising \$ 1,400,000 \$ 300,000 36415

Costs

TOTAL GRF General Revenue Fund \$ 2,050,000 \$ 950,000 36416

TOTAL ALL BUDGET FUND GROUPS \$ 2,050,000 \$ 950,000 36417

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 36418

PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 36419

Notwithstanding any other provision of law to the contrary, 36420
the Director of Budget and Management may, with Controlling Board 36421
approval, ~~transfer appropriate~~ up to \$4,000,000 ~~in cash~~, in each 36422
of fiscal years 2008 and 2009, ~~from the Disaster Services Fund~~ 36423
~~(Fund 5E2) to the General Revenue Fund. Upon completion of the~~ 36424
~~transfer, the Director of Budget and Management shall appropriate~~ 36425
~~the transferred amount~~ to appropriation item 911-401, Emergency 36426
Purposes/Contingencies. The Controlling Board may, at the request 36427
of any state agency or the Director of Budget and Management, 36428
transfer all or part of the appropriation in appropriation item 36429
911-401, Emergency Purposes/Contingencies, for the purpose of 36430
providing disaster and emergency situation aid to state agencies 36431
and political subdivisions in the event of disasters and emergency 36432
situations or for the other purposes noted in this section, 36433
including, but not limited to, costs related to the disturbance 36434
that occurred on April 11, 1993, at the Southern Ohio Correctional 36435
Facility in Lucasville, Ohio. Following each increase in 36436
appropriation in appropriation item 911-401, Emergency 36437

Purposes/Contingencies, approved by the Controlling Board, the 36438
Director of Budget and Management may transfer an amount equal to 36439
the appropriation increase, in an amount not to exceed \$4,000,000 36440
in each of fiscal years 2008 and 2009, from the Disaster Services 36441
Fund (Fund 5E2) to the General Revenue Fund. 36442

FEDERAL SHARE 36443

In transferring appropriations to or from appropriation items 36444
that have federal shares identified in Am. Sub. H.B. 119 of the 36445
127th General Assembly, the Controlling Board shall add or 36446
subtract corresponding amounts of federal matching funds at the 36447
percentages indicated by the state and federal division of the 36448
appropriations in Am. Sub. H.B. 119 of the 127th General Assembly. 36449
Such changes are hereby appropriated. 36450

DISASTER ASSISTANCE 36451

Pursuant to requests submitted by the Department of Public 36452
Safety, the Controlling Board may approve transfers from 36453
appropriation item 911-401, Emergency Purposes/Contingencies, to 36454
Department of Public Safety appropriation items to provide funding 36455
for assistance to political subdivisions and individuals made 36456
necessary by natural disasters or emergencies. Such transfers may 36457
be requested and approved prior to or following the occurrence of 36458
any specific natural disasters or emergencies in order to 36459
facilitate the provision of timely assistance. 36460

DISASTER SERVICES 36461

Pursuant to requests submitted by the Department of Public 36462
Safety, the Controlling Board may approve transfers from the 36463
Disaster Services Fund (5E2) to a Department of Public Safety fund 36464
and appropriation item to provide for assistance to political 36465
subdivisions made necessary by natural disasters or emergencies. 36466
These transfers may be requested and approved prior to the 36467
occurrence of any specific natural disasters or emergencies in 36468

order to facilitate the provision of timely assistance. The 36469
Emergency Management Agency of the Department of Public Safety 36470
shall use the funding to fund the State Disaster Relief Program 36471
for disasters that have been declared by the Governor, and the 36472
State Individual Assistance Program for disasters that have been 36473
declared by the Governor and the federal Small Business 36474
Administration. The Ohio Emergency Management Agency shall publish 36475
and make available application packets outlining procedures for 36476
the State Disaster Relief Program and the State Individual 36477
Assistance Program. 36478

The Disaster Services Fund (5E2) shall be used by the 36479
Controlling Board, pursuant to requests submitted by state 36480
agencies, to transfer cash and appropriation authority to any fund 36481
and appropriation item for the payment of state agency disaster 36482
relief program expenses for disasters declared by the Governor, if 36483
the Director of Budget and Management determines that sufficient 36484
funds exist. 36485

The unencumbered balance of the Disaster Services Fund (5E2) 36486
at the end of fiscal year 2008 is transferred to fiscal year 2009 36487
for use for the same purposes as in fiscal year 2009. 36488

SOUTHERN OHIO CORRECTIONAL FACILITY COST 36489

The Division of Criminal Justice Services in the Department 36490
of Public Safety and the Public Defender Commission may each 36491
request, upon approval of the Director of Budget and Management, 36492
additional funds from appropriation item 911-401, Emergency 36493
Purposes/Contingencies, for costs related to the disturbance that 36494
occurred on April 11, 1993, at the Southern Ohio Correctional 36495
Facility in Lucasville, Ohio. 36496

MANDATE ASSISTANCE 36497

(A) The foregoing appropriation item 911-404, Mandate 36498
Assistance, shall be used to provide financial assistance to local 36499

units of government and school districts for the cost of the 36500
 following two state mandates: 36501

(1) The cost to county prosecutors for prosecuting certain 36502
 felonies that occur on the grounds of state institutions operated 36503
 by the Department of Rehabilitation and Correction and the 36504
 Department of Youth Services; 36505

(2) The cost to school districts of in-service training for 36506
 child abuse detection. 36507

(B) The Division of Criminal Justice Services in the 36508
 Department of Public Safety and the Department of Education may 36509
 prepare and submit to the Controlling Board one or more requests 36510
 to transfer appropriations from appropriation item 911-404, 36511
 Mandate Assistance. The state agencies charged with this 36512
 administrative responsibility are listed below, as well as the 36513
 estimated annual amounts that may be used for each program of 36514
 state financial assistance. 36515

		ESTIMATED	36516
	ADMINISTERING	ANNUAL	36517
PROGRAM	AGENCY	AMOUNT	36518
Prosecution Costs	Division of Criminal	\$150,000	36519
	Justice Services		36520
Child Abuse Detection	Department of	\$500,000	36521
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 36522
 year for appropriation item 911-404, Mandate Assistance, the 36523
 Division of Criminal Justice Services in the Department of Public 36524
 Safety and the Department of Education may request from the 36525
 Controlling Board that amounts smaller or larger than these 36526
 estimated annual amounts be transferred to each program. 36527

(D) In addition to making the initial transfers requested by 36528
 the Division of Criminal Justice Services in the Department of 36529

Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules

that the Division of Criminal Justice Services in the Department 36561
of Public Safety shall adopt, apply to the Division of Criminal 36562
Justice Services for a grant to cover all documented costs that 36563
are incurred by the county prosecutor's office. 36564

(c) Twice each year, the Division of Criminal Justice 36565
Services in the Department of Public Safety shall designate 36566
counties to receive grants from those counties that have submitted 36567
one or more applications in compliance with the rules that have 36568
been adopted by the Division of Criminal Justice Services for the 36569
receipt of such grants. In each year's first round of grant 36570
awards, if sufficient appropriations have been made, up to a total 36571
of \$100,000 may be awarded. In each year's second round of grant 36572
awards, the remaining appropriations available for this purpose 36573
may be awarded. 36574

(d) If for a given round of grants there are insufficient 36575
appropriations to make grant awards to all the eligible counties, 36576
the first priority shall be given to counties with cases involving 36577
aggravated murder and murder; second priority shall be given to 36578
counties with cases involving a felony of the first degree; and 36579
third priority shall be given to counties with cases involving a 36580
felony of the second degree. Within these priorities, the grant 36581
awards shall be based on the order in which the applications were 36582
received, except that applications for cases involving a felony of 36583
the first or second degree shall not be considered in more than 36584
two consecutive rounds of grant awards. 36585

(2) CHILD ABUSE DETECTION TRAINING COSTS 36586

Appropriations may be transferred to the Department of 36587
Education for disbursement to local school districts as full or 36588
partial reimbursement for the cost of providing in-service 36589
training for child abuse detection. In accordance with rules that 36590
the department shall adopt, a local school district may apply to 36591
the department for a grant to cover all documented costs that are 36592

incurred to provide in-service training for child abuse detection. 36593
The department shall make grants within the limits of the funding 36594
provided. 36595

(G) Any moneys allocated within appropriation item 911-404, 36596
Mandate Assistance, not fully utilized may, upon application of 36597
the Ohio Public Defender Commission, and with the approval of the 36598
Controlling Board, be disbursed to boards of county commissioners 36599
to provide additional reimbursement for the costs incurred by 36600
counties in providing defense to indigent defendants pursuant to 36601
Chapter 120. of the Revised Code. Application for the unutilized 36602
funds shall be made by the Ohio Public Defender Commission at the 36603
first June meeting of the Controlling Board. 36604

The amount to be disbursed to each county shall be allocated 36605
proportionately on the basis of the total amount of reimbursement 36606
paid to each county as a percentage of the amount of reimbursement 36607
paid to all of the counties during the most recent state fiscal 36608
year for which data is available and as calculated by the Ohio 36609
Public Defender Commission. 36610

BALLOT ADVERTISING COSTS 36611

Pursuant to requests submitted by the ~~Ohio Ballot Board~~ 36612
Secretary of State, the Controlling Board shall approve transfers 36613
from the foregoing appropriation item 911-441, Ballot Advertising 36614
Costs, to ~~the~~ a Secretary of State appropriation item in order to 36615
pay for the cost of public notices associated with statewide 36616
ballot initiatives. 36617

Of the foregoing appropriation item 911-441, Ballot 36618
Advertising Costs, up to \$1,100,000 in fiscal year 2008 shall be 36619
used to reimburse county boards of elections for all costs of 36620
conducting any special election during fiscal year 2008. 36621

The unencumbered balance of appropriation item 991-441, 36622
Ballot Advertising Costs, at the end of fiscal year 2008 shall be 36623

transferred to fiscal year 2009 for use under the same 36624
appropriation item. The amounts transferred are hereby 36625
appropriated. 36626

Section 610.45. That existing Section 249.10 of Am. Sub. H.B. 36627
119 of the 127th General Assembly, as amended by Am. Sub. S.B. 155 36628
of the 127th General Assembly, is hereby repealed. 36629

Section 610.50. That Sections 101.10, 103.80.50, 201.30, 36630
201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 496 of 36631
the 127th General Assembly be amended to read as follows: 36632

Sec. 101.10. All items set forth in this section are hereby 36633
appropriated out of any moneys in the General Revenue Fund (GRF) 36634
that are not otherwise appropriated: 36635

Reappropriations

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 36636

C10002	Rural Areas Community Improvements	\$	20,000	36637
C10008	Urban Areas Community Improvements	\$	868,900	36638
Total Department of Administrative Services		\$	888,900	36639
TOTAL GRF General Revenue Fund		\$	888,900	36640

RURAL AREAS COMMUNITY IMPROVEMENTS 36641

The foregoing appropriation item C10002, Rural Areas 36642
Community Improvements, shall be granted for the Red Mill Creek 36643
Water Retention Basin. 36644

URBAN AREAS COMMUNITY IMPROVEMENTS 36645

From the foregoing appropriation item C10008, Urban Areas 36646
Community Improvements, grants shall be made for the following 36647
projects: \$50,000 for the Brown Senior Center Renovations; 36648
\$100,000 for Project AHEAD Facility Improvements; \$75,000 for the 36649
J. Frank-Troy Senior Citizens Center; \$23,900 for the Canton 36650
Jewish Women's Center; ~~\$450,000 for the Gateway Social Services~~ 36651

~~Building; \$200,000 for Pro Football Hall of Fame festival facility~~ 36652
~~improvements; \$100,000 for the Children's Network of Stark County;~~ 36653
~~\$75,000 for the Community Treatment and Correction Center, Inc.;~~ 36654
~~\$75,000 for Trillium Family Solutions; \$50,000 for the Loew Field~~ 36655
~~Improvements; \$20,000 for the Harvard Community Services Center~~ 36656
~~Renovation & Expansion; \$20,000 for the Collinwood Community~~ 36657
~~Service Center Repair & Renovation; and \$80,000 for Bowman Park -~~ 36658
~~City of Toledo.~~ 36659

Reappropriations

Sec. 103.80.50. EXP EXPOSITIONS COMMISSION 36660

C72300	Electric and Lighting Upgrade	\$	112,020	36661
C72301	Land Acquisition	\$	5,240	36662
C72303	Building Renovations - 5	\$	4,576,484	36663
C72305	Facility Improvements and Modernization Plan	\$	131,771	36664
C72309	Masonry Renovations	\$	59,824	36665
C72310	Restroom Renovations	\$	9,559	36666
C72312	Emergency Renovations and Equipment Replacement	\$	891,533	36667
C72314	Multi purpose Building	\$	14,000,000	36668
Total Expositions Commission		\$	19,786,431 <u>5,786,431</u>	36669

Sec. 201.30. All items set forth in this section are hereby 36671
appropriated out of any moneys in the state treasury to the credit 36672
of the Cultural and Sports Facilities Building Fund (Fund 7030) 36673
that are not otherwise appropriated: 36674

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 36675

C37102	Center of Science and Industry - Toledo	\$	12,268	36676
C37114	Woodward Opera House Renovation	\$	1,150,000	36677
C37118	Statewide Site Repairs	\$	100,100	36678

C37124	Waco Museum & Aviation Learning Center	\$	500,000	36679
C37131	Bramley Historic House	\$	75,000	36680
C37132	Beck Center for the Cultural Arts	\$	100,000	36681
C37133	Delaware County Cultural Arts Center	\$	40,000	36682
C37137	West Side Arts Consortium	\$	138,000	36683
C37138	Ice Arena Development	\$	5,500,000	36684
C37139	Stan Hywet Hall & Gardens	\$	1,000,000	36685
C37141	Spring Hill Historic Home	\$	125,000	36686
C37143	Lorain Palace Civic Theatre	\$	200,000	36687
C37144	Great Lakes Historical Society	\$	150,000	36688
C37153	Historic Sites and Museums	\$	980,319	36689
C37155	Buffington Island State Memorial	\$	33,475	36690
C37182	Lorain County Historical Society	\$	300,000	36691
C37184	Marion Palace Theatre	\$	1,575,000	36692
C37185	McConnellsville Opera House	\$	75,000	36693
C37186	Secrest Auditorium	\$	75,000	36694
C37187	Renaissance Theatre	\$	700,000	36695
C37188	Trumpet in the Land	\$	100,000	36696
C37189	Mid-Ohio Valley Players	\$	80,000	36697
C37190	The Anchorage	\$	50,000	36698
C37193	Galion Historic Big Four Depot Restoration	\$	170,000	36699
C37195	Lake County Historical Society	\$	250,000	36700
C37196	Hancock Historical Society	\$	75,000	36701
C37197	Riversouth Development	\$	1,000,000	36702
C37198	Ft. Piqua Hotel	\$	200,000	36703
C37199	Marina District Amphitheatre and Related Development	\$	2,000,000	36704
C371A1	Lima Historic Athletic Field	\$	100,000	36705
C371A3	Voice Of America Museum	\$	275,000	36706
C371A5	Clark County Community Arts Expansion Project	\$	500,000	36707
C371A6	Westcott House Historic Site	\$	75,000	36708

C371A8	Miami Township Community Amphitheatre	\$	50,000	36709
C371A9	Western Reserve Historical Society	\$	2,500,000	36710
C371B0	Cleveland Steamship Mather Museum	\$	100,000	36711
C371B5	Arts Castle	\$	100,000	36712
C371B6	Cincinnati Art and Technical Academy	\$	325,000	36713
C371B7	Ohio Glass Museum	\$	250,000	36714
C371B9	Ariel Theatre	\$	100,000	36715
C371C2	Ensemble Theatre	\$	450,000	36716
C371C4	Art Academy of Cincinnati	\$	100,000	36717
C371C5	Riverbend Pavilion Improvements	\$	250,000	36718
C371C7	Music Hall: Over-The-Rhine	\$	750,000	36719
C371C8	John Bloomfield Home Restoration	\$	720	36720
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	36721
C371D1	Art Deco Markay Theatre	\$	200,000	36722
C371D4	Broad Street Historical Renovation	\$	300,000	36723
C371D5	Amherst Historical Society	\$	35,000	36724
C371D6	COSI - Toledo	\$	980,000	36725
C371D7	Ohio Theatre - Toledo	\$	100,000	36726
C371E2	Aurora Outdoor Sports Complex	\$	50,000	36727
C371E3	Preble County Historical Society	\$	100,000	36728
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	36729
C371F0	Richard Howe House	\$	100,000	36730
C371F2	Packard Music Hall Renovation Project	\$	575,000	36731
C371F3	Holland Theatre	\$	100,000	36732
C371F6	Marietta Colony Theatre	\$	335,000	36733
C371G7	Huntington Park	\$	7,000,000	36734
C371G9	Riverbend - Cincinnati Symphony	\$	3,000,000	36735
C371H0	Marina District Amphitheatre	\$	2,900,000	36736
C371H1	Cincinnati Museum Center	\$	2,000,000	36737
C371H2	National Underground Railroad Freedom Center	\$	2,000,000	36738
C371H4	Pro Football Hall of Fame	\$	1,650,000	36739

C371H5	Heritage Center - Dayton	\$	1,300,000	36740
C371H6	Western Reserve Historical Society	\$	1,000,000	36741
C371H7	COSI Columbus	\$	1,000,000	36742
C371H8	Columbus Museum of Art	\$	1,000,000	36743
C371I0	Stan Hywet Hall and Gardens	\$	1,175,000	36744
C371I1	Akron Art Museum	\$	1,000,000	36745
C371I2	Sauder Village	\$	830,000	36746
C371I3	Horvitz Center for the Arts	\$	750,000	36747
C371I4	Ensemble Theatre	\$	750,000	36748
C371I5	Voice of America Museum	\$	750,000	36749
C371I6	Cleveland Steamship Mather	\$	600,000	36750
C371I7	Cuyahoga County Soldier and Sailor Monument	\$	500,000	36751
C371I8	King-Lincoln Arts and Entertainment District	\$	500,000	36752
C371I9	Art Academy of Cincinnati	\$	500,000	36753
C371J0	Great Lakes Historical Society	\$	500,000	36754
C371J3	Davis Shai Historical Facility	\$	300,000	36755
C371J4	Massillon Museum	\$	275,000	36756
C371J5	The Mandel Center	\$	250,000	36757
C371J6	Peggy R McConnell Arts Center	\$	250,000	36758
C371J7	Columbus College of Art and Design	\$	250,000	36759
C371J9	Stambaugh Hall Improvements	\$	250,000	36760
C371K0	Youngstown Symphony Orchestra	\$	250,000	36761
C371K1	Wood County Historical Center/Museum	\$	220,000	36762
C371K3	Cincinnati Ballet	\$	200,000	36763
C371K4	City of Avon Stadium Complex	\$	200,000	36764
C371K5	Renaissance Performing Arts Center	\$	200,000	36765
C371K6	Oxford Arts Center	\$	174,000	36766
C371K7	Wayne County Historical Society	\$	170,000	36767
C371K8	Maumee Valley Historical Society	\$	150,000	36768
C371K9	Trumbull County Historical Society	\$	150,000	36769
C371L0	First Lunar Flight Project	\$	25,000	36770

C371L1	Holmes County Historical Society Improvements	\$	140,000	36771
C371L2	Canal Winchester Historical Society <u>Westerville Parks & Recreation</u> <u>Firefighters Memorial/First Responder</u> <u>Park</u>	\$	125,000	36772
C371L3	Ukranian Museum	\$	100,000	36773
C371L4	Gordon Square Arts District	\$	100,000	36774
C371L5	Moreland Theatre Renovation	\$	100,000	36775
C371L6	Karamu House	\$	100,000	36776
C371L7	Symmestown Township Historical Society	\$	100,000	36777
C371L8	Springfield Veterans Park Amphitheatre	\$	100,000	36778
C371L9	Gallia County Historical Genealogical Society	\$	100,000	36779
C371M1	The Octagon House	\$	100,000	36780
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	36781
C371M3	County Line Historical Society-Wayne/Holmes	\$	100,000	36782
C371M4	Paul Brown Museum	\$	75,000	36783
C371M5	The Works Ohio Center for History, Art and Technology	\$	75,000	36784
C371M8	Hale Farm and Village	\$	50,000	36785
C371M9	Howe House Historic Site	\$	50,000	36786
C371N0	Beavercreek Community Theatre	\$	50,000	36787
C371N1	Jamestown Opera House	\$	50,000	36788
C371N2	Johnny Appleseed Museum	\$	50,000	36789
C371N3	Vinton County Historical Society Alice House Project	\$	50,000	36790
C371N4	Woodward Opera House Renovations	\$	50,000	36791
C371N5	Little Brown Jug Facility Improvements	\$	50,000	36792
C371N6	Applecreek Historical Society	\$	50,000	36793
C371N7	Wyandot Historic Courthouse	\$	50,000	36794
C371N8	Galion Historical Big 4 Depot	\$	30,000	36795

C371N9	Bucyrus Historic Depot Renovations	\$	30,000	36796
C371O1	Arts West Performing Arts Center	\$	25,000	36797
C371O2	Chester Academy Historical Site	\$	25,000	36798
C371O3	Portland Civil War Museum and Historical Displays	\$	25,000	36799
C371O4	Morgan County Opera House	\$	25,000	36800
C371O5	Crawford Antique Museum	\$	9,000	36801
C371O6	Monroe City Historical Society Building Repair	\$	5,000	36802
C371O7	Wright Dunbar Historical Facility	\$	250,000	36803
C371O8	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	36804
C371P1	WACO Aircraft Museum	\$	30,000	36805
C371P2	Bradford Railroad Museum	\$	30,000	36806
C371P3	Cincinnati Ballet Facility	\$	415,000	36807
C371P5	Fort Recovery Renovations	\$	100,000	36808
C371P6	Music Hall Garage	\$	1,000,000	36809
C371P7	Hip Klotz Memorial	\$	150,000	36810
C371P8	AB Graham Center	\$	40,000	36811
	Total Cultural Facilities Commission	\$	64,803,882	36812
	TOTAL Cultural and Sports Facilities Building Fund	\$	64,803,882	36813

Sec. 201.50. All items set forth in this section are hereby 36815
appropriated out of any moneys in the state treasury to the credit 36816
of the School Building Program Assistance Fund (Fund 7032) that 36817
are not otherwise appropriated: 36818

Reappropriations

	SFC SCHOOL FACILITIES COMMISSION			36819
C23002	School Building Program Assistance	\$	3,572,253,121	36820
C23005	Exceptional Needs	\$	28,504,951	36821
C23010	Vocation Facilities Assistance Program	\$	11,115,616	36822
	Total School Facilities Commission	\$	3,611,873,688	36823
	TOTAL School Building Program Assistance Fund	\$	3,611,873,688	36824

CONSTRUCTION OF NEW BLIND AND DEAF SCHOOLS 36825

Of the foregoing appropriation item C23002, School Building 36826
Program Assistance, \$37,080,000 shall be used for constructing new 36827
facilities, or renovating existing facilities, or both, on the 36828
current campuses of the Ohio State School for the Blind and the 36829
Ohio School for the Deaf. Notwithstanding sections 123.01 and 36830
123.15 of the Revised Code and in addition to its powers under 36831
Chapter 3318. of the Revised Code, the Ohio School Facilities 36832
Commission shall administer the project pursuant to the memorandum 36833
of understanding that the Ohio State School for the Blind, the 36834
Ohio School for the Deaf, and the Ohio School Facilities 36835
Commission signed on October 31, 2007. The project shall comply to 36836
the fullest extent possible with the specifications and policies 36837
set forth in the Ohio School Facilities Design Manual and shall 36838
not be considered a part of any program created under Chapter 36839
3318. of the Revised Code. As agreed to by the parties in the 36840
memorandum of understanding, \$37,080,000 is sufficient to complete 36841
the construction or renovation of the facilities needed for the 36842
education of both the deaf and blind student communities and 36843
additional appropriations will not be required. Upon issuance by 36844
the Commission of a certificate of completion of the project, the 36845
Commission's participation in the project shall end. 36846

The Executive Director of the Ohio School Facilities 36847
Commission shall comply with the procedures and guidelines 36848
established in Chapter 153. of the Revised Code. Upon the release 36849
of funds for the project by the Controlling Board or the Director 36850
of Budget and Management, the Commission may administer the 36851
project without the supervision, control, or approval of the 36852
Director of Administrative Services. Any references to the 36853
Director of Administrative Services in the Revised Code, with 36854
respect to the administration of the project, shall be read as if 36855
they referred to the Director of the Ohio School Facilities 36856

<u>Commission.</u>			36857
		Reappropriations	
Sec. 301.20.20.	BGU BOWLING GREEN STATE UNIVERSITY		36858
C24000	Basic Renovations	\$ 10,751,883	36859
C24001	Basic Renovations - Firelands	\$ 811,360	36860
C24002	Instructional and Data Processing Equipment	\$ 1,200,186	36861
C24004	ADA Modifications	\$ 19,544	36862
C24005	Child Care Facility	\$ 49,406	36863
C24007	Materials Network	\$ 90,981	36864
C24008	Video Link	\$ 10,644	36865
C24013	Hannah Hall Rehabilitation	\$ 2,005,522	36866
C24014	Biology Lab Renovation	\$ 12,533,708	36867
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$ 4,899	36868
C24016	Student Learning	\$ 13,149	36869
C24017	Video Teaching Network	\$ 5,436	36870
C24019	Kinetic Spectrometry Consortium	\$ 77,671	36871
C24020	Admissions Visitor Center	\$ 3,000,000	36872
C24021	Theatre/Performing Arts Complex	\$ 8,750,000	36873
C24022	University Hall Rehabilitation	\$ 1,174,981	36874
C24025	Administration Building Fire Alarm System	\$ 83,986	36875
C24026	Campus-Wide Carpet Upgrade	\$ 329,700	36876
C24027	Reroof East, West, and North Buildings	\$ 173,999	36877
C24028	Instructional Laboratory - Phase 1	\$ 960,000	36878
C24031	Health Center Addition	\$ 9,750,000	36879
C24032	Student Services Building Replacement	\$ 8,100,000	36880
C24033	BGU Aviation Improvements	\$ 500,000	36881
C24034	Tunnel Upgrade-Phase II	\$ 98,820	36882
C24035	Library Depository Northwest	\$ 56,000	36883
<u>C24036</u>	<u>Wood County Environmental Health Project</u>	<u>\$ 700,000</u>	36884
Total Bowling Green State University		\$ 60,551,875	36885

61,251,875

Reappropriations

Sec. 301.20.80. OSU OHIO STATE UNIVERSITY			36887
C31500	Basic Renovations	\$ 34,349,496	36888
C31501	Basic Renovations - Regional Campuses	\$ 6,506,516	36889
C31502	Brown Hall Annex Replacement	\$ 6,213	36890
C31505	Basic Renovations - ATI	\$ 129,714	36891
C31506	Supplemental Renovations - OARDC	\$ 3,319,202	36892
C31507	Supplemental Renovations - Regional	\$ 191,955	36893
C31508	Dreese Lab Addition	\$ 5,953	36894
C31510	Bioscience/Parks Hall Addition	\$ 12,584	36895
C31512	Greenhouse Modernization	\$ 40,982	36896
C31515	Life Sciences Research Building	\$ 218,170	36897
C31520	Food Science & Technology Building	\$ 92,786	36898
C31522	Heart & Lung Institute	\$ 32,437	36899
C31523	Superconducting Radiation	\$ 65,094	36900
C31524	Brain Tumor Research Center	\$ 6,001	36901
C31525	Engineering Center Net Shape Manufacturing	\$ 20,730	36902
C31526	Membrane Protein Typology	\$ 8,835	36903
C31527	Instructional and Data Processing Equipment	\$ 6,014,848	36904
C31528	Fine Particle Technologies	\$ 116,770	36905
C31529	Advanced Plasma Engineering	\$ 22,690	36906
C31530	Plasma Ramparts	\$ 1,150	36907
C31531	IN-SITU AL-BE Composites	\$ 1,733	36908
C31532	Jay Cooke Residence - Roof and Windows	\$ 86,668	36909
C31535	Asbestos Abatement	\$ 5,325	36910
C31536	Materials Network	\$ 91,983	36911
C31537	Bio-Technology Consortium	\$ 42,378	36912
C31538	Analytical Electron Microscope	\$ 375,000	36913
C31539	High Temp Alloys & Alluminoids	\$ 220,000	36914

C31541	Supplemental Renovations - ATI	\$	33,969	36915
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	36916
C31543	McPherson Lab Rehabilitation	\$	37,243	36917
C31544	Heart and Lung Institute	\$	101,808	36918
C31546	ADA Modifications - ATI	\$	41,936	36919
C31547	ADA Modifications - Lima	\$	358	36920
C31548	ADA Modifications - Mansfield	\$	15,253	36921
C31550	Titanium Alloys	\$	54,912	36922
C31552	Advanced Manufacturing	\$	38,579	36923
C31553	Manufacturing Processes/Materials	\$	62,574	36924
C31554	Terhertz Studies	\$	35,294	36925
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	36926
C31557	Pomerene Lighting/Wiring	\$	249,584	36927
C31558	NMR Consortium	\$	75,116	36928
C31559	Versatile Film Facility	\$	62,872	36929
C31560	OCARNET	\$	5,916	36930
C31561	Bioprocessing Research	\$	1,905	36931
C31562	Localized Corrosion Research	\$	6,128	36932
C31563	ATM Testbed	\$	3,633	36933
C31564	Physical Sciences Building	\$	79,383	36934
C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	36935
C31568	Sisson Hall Replacement	\$	5,537	36936
C31570	Machinery Acoustics	\$	3,804	36937
C31571	Sensors and Measurements	\$	15,115	36938
C31572	Polymer Magnets	\$	1,099	36939
C31574	A1 Alloy Corrosion	\$	14,292	36940
C31578	Page Hall Planning	\$	7,210	36941
C31579	Botany & Zoology Building Planning	\$	209,467	36942
C31581	Robinson Laboratory Planning	\$	36,765	36943
C31582	Don Scott Field Replacement Barns	\$	1,495,619	36944
C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	36945

C31584	Horticultural Operations Center - ATI	\$	1,475,400	36946
C31585	OARDC Feed Mill	\$	5,050,968	36947
C31587	Biological Sciences Cooling Tower	\$	6,930	36948
C31589	Mount Hall HVAC Modifications	\$	40,982	36949
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	36950
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	36951
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	36952
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	36953
C31597	Animal & Plant Biology Level 3	\$	8,133,780	36954
C31598	Main Library Rehabilitation	\$	56,456,214	36955
C31599	Psychology Building	\$	57,722	36956
C315A0	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	598,043	36957
C315A2	Nanosecond Infrared Measurement	\$	2,588	36958
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	36959
C315A5	X-Ray Powder Diffractometer	\$	558	36960
C315A6	Deconvolution Microscope	\$	1,101	36961
C315B2	Denney Hall Renovation - Phase I	\$	18,495	36962
C315B3	Ion Mass Spectrometry	\$	6,594	36963
C315B5	Role of Molecular Interfaces	\$	17,773	36964
C315B8	New Millimeter Spectrometer	\$	24,996	36965
C315C2	1224 Kinnear Road - Bale	\$	11,105	36966
C315C3	Non-Silicon Micromachining	\$	73,991	36967
C315C4	High Performance Computing	\$	2,910	36968
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	36969
C315D0	OARDC Boiler Replacement	\$	656,442	36970
C315D2	Supercomputer Center Expansion	\$	1,600,414	36971
C315D5	Information Literacy	\$	24,824	36972

C315D6	Online Business Major	\$	6,618	36973
C315D8	Renovation of Graves Hall	\$	68,196	36974
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	36975
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	36976
C315E2	Dual Beam Characterization	\$	150,000	36977
C315E6	Environmental Technology Consortium	\$	11,297	36978
C315E7	Campbell, University, and Evans Hall	\$	45,877	36979
C315E8	Laboratory Animal Facility	\$	83,481	36980
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	36981
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	36982
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	36983
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	36984
C315F5	Wood County Center for Agriculture OSU <u>Extension Office/Agriculture Business</u> <u>Enhancement Center</u>	\$	1,000,000 300,000	36985
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	36986
C315F8	Nanotechnology Molecular Assembly	\$	437,296	36987
C315F9	Networking and Communication	\$	478,761	36988
C315G0	Planetary Gear	\$	125,000	36989
C315G1	X-Ray Fluorescence Spectrometer	\$	2,283	36990
C315G2	Precision Navigation	\$	85,000	36991
C315G3	Welding & Metal Working	\$	200,000	36992
C315G5	Inductively Coupled Plasma Etching	\$	126,492	36993
C315G6	Accelerated Metals	\$	1,020,331	36994
C315G7	Mathematical Biosciences Institute	\$	9,819	36995
C315G9	Mershon Auditorium HVAC System Improvements	\$	3,379	36996
C315H0	Molecular Microdevices	\$	2,066	36997
C315H1	Research Center HVAC System Improvements	\$	38,052	36998

C315H2	Infrared Absorption Measurements	\$	3,423	36999
C315H3	Dark Fiber	\$	2,532,628	37000
C315H4	Shared Data Backup System	\$	96,876	37001
C315H6	Third Frontier Network Testbed	\$	202,763	37002
C315H7	Distributed Learning Workshop	\$	2,500	37003
C315H8	Accelerated Maturation of Materials	\$	42,279	37004
C315H9	Nanoscale Polymers Manufacturing	\$	358,802	37005
C315J0	Hydrogen Production and Storage	\$	217	37006
C315J1	Ohio Organic Semiconductor	\$	226,422	37007
C315J4	Comprehensive Cancer - Chiller Replacement	\$	19,187	37008
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893	37009
C315J7	Low Cost Nanocomposite Foams	\$	101,705	37010
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093	37011
C315J9	McCracken Power Plant Spill Control	\$	120,251	37012
C315K0	Glacial Assessment	\$	22,764	37013
C315K2	Center for Advanced Propulsion and Power	\$	1,313,076	37014
C315K3	Parks Hall Chiller Replacement	\$	134,678	37015
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452	37016
C315K5	Computational Nanotechnology	\$	500,000	37017
C315K6	Townshend Hall - Roof Replacement	\$	328,772	37018
C315K8	Veterinary Hospital Roof Replacement Phase II	\$	174,815	37019
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756	37020
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937	37021
C315L1	Ohio Commons For Digital Education	\$	14,594	37022
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441	37023
C315L3	NonCredit Job Education & Training	\$	14,201	37024
C315L4	Campus South Dorms Renovation/Improvements	\$	3,767	37025
C315L5	Bricker Hall Roof Replacement	\$	23,608	37026
C315L8	Cooperative Control Testbed	\$	3,000	37027

C315M0	Neuroscience Center Core	\$	576	37028
C315M2	Campus Grounds-Exterior Lighting - Phase VIII	\$	31,523	37029
C315M3	930 Kinnear Road Renovations	\$	181,402	37030
C315M4	Waterman Lab & Don Scott Field	\$	23,528	37031
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	37032
C315M6	Coe Corrosion Coop	\$	56,781	37033
C315M7	OSU Cancer Program Expansion	\$	2,000,000	37034
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	37035
C315M9	Warner Library and Student Center	\$	1,618,275	37036
C315N0	Hopewell Hall Science Suite	\$	508,408	37037
C315N1	Atomic Force Microscopy	\$	180,000	37038
C315N2	Interactive Applications	\$	344,865	37039
C315N3	Platform Lab	\$	76,685	37040
C315N4	Integrated Biomass to Electricity	\$	392,680	37041
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	37042
C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	37043
C315P1	Specialized Planetary Gears	\$	40,920	37044
C315P2	OSU Agricultural Building	\$	295,409	37045
C315P3	Automated AFM System	\$	618	37046
C315P4	Integrated Wireless Communication	\$	3,454	37047
C315P5	Newton Hall-Roof Replacement	\$	140,646	37048
C315P6	Chirped-Pulse Amplifier	\$	258,732	37049
C315P7	Central Classroom Building Renovation	\$	55,686	37050
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	37051
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	37052
C315Q1	Aeronautical and Astronautical Research Lab-Roof Replacement	\$	676,482	37053
C315Q2	Superconductivity Technology Center	\$	324,136	37054
C315Q3	Periodic Materials Assemblies	\$	60,239	37055
C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	37056
C315Q5	Biological Sciences Building-Fume Hood	\$	968,531	37057

	Repairs			
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	37058
C315Q7	Photonic Force Microscope	\$	4,887	37059
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	37060
C315R0	Hughes Hall Renovation	\$	1,500,000	37061
C315R1	COMPH Academic Center	\$	5,000,000	37062
C315R2	Murray Hall Renovation	\$	1,000,000	37063
C315R3	New Student Life Building	\$	1,000,000	37064
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	37065
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	37066
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	37067
C315R7	Stone Laboratory Resource Facility	\$	500,000	37068
	Improvements			
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	37069
C315R9	Camp Clifton Improvements	\$	90,000	37070
C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	37071
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	37072
C315S2	Postle Hall Partial Window Replacement	\$	630,000	37073
C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	37074
C315S4	Utility Upgrade/East Campus Area	\$	45,969	37075
	Total Ohio State University	\$	200,348,786	37076
			<u>199,648,786</u>	

~~WOOD COUNTY CENTER FOR AGRICULTURE~~ OSU EXTENSION 37077

OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER 37078

~~Of the~~ The foregoing appropriation item C315F5, ~~Wood County~~ 37079
~~Center for Agriculture~~ OSU Extension Office/Agriculture Business 37080
Enhancement Center, ~~up to \$300,000~~ shall be used for building 37081
renovations to the ~~OSU Extension Office/Ag Business Enhancement~~ 37082
Center. 37083

Sec. 401.11. RIVERFRONT IMPROVEMENTS	37084
Of the foregoing reappropriation item C725D0, Riverfront	37085
Improvements, \$1,000,000 shall be used for the Riverfront West	37086
Park Development - Cincinnati Park Board, Hamilton County.	37087
 LOCAL PARKS PROJECTS	37088
Of the foregoing appropriation item C725E2, Local Parks	37089
Projects, \$2,000,000 shall be used for the Center City Park in	37090
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo;	37091
\$1,000,000 shall be used for the East Bank/Flats Project;	37092
\$1,000,000 shall be used by the Warren County Park District for	37093
Land Acquisition or Improvements; \$540,000 shall be used for Tar	37094
Hollow State Park Improvements; \$300,000 shall be used by the City	37095
of Mason for Handicap Accessible Park Improvements; \$250,000 shall	37096
be used for Van Buren State Park Land Acquisitions <u>Camp Ground</u>	37097
<u>Electrification and Restroom Facilities Improvements</u> ; \$200,000	37098
shall be used for Harrison Village Historical Society Phoenix Park	37099
Museum ; \$200,000 shall be used for Indian Lake State Park Dredging	37100
Improvements; \$191,000 shall be used for Deerfield Township	37101
Simpson Creek Erosion Mitigation and Bank Control; \$185,000 shall	37102
be used for the City of Wilmington Park Upgrades/Tennis Courts;	37103
\$175,700 shall be used for the Georgetown Community Tennis Park;	37104
\$150,000 shall be used for Kelleys Island Park Improvements;	37105
\$150,000 shall be used for Perry Township Camp Improvements;	37106
\$100,000 shall be used for Mountain Bike Park/Midtown Cleveland;	37107
\$100,000 shall be used for the Chester Township Park; <u>\$100,000</u>	37108
<u>shall be used for the Wyoming City Regional Park</u> ; <u>\$100,000 shall</u>	37109
<u>be used for the Hamilton County Stadium Facilities</u> ; \$69,000 shall	37110
be used for Miami Erie Canal Repairs in Spencerville; \$60,000	37111
shall be used for Marseilles Reservoir Bulk Head Project; \$50,000	37112
shall be used for Beaver creek/John Aekeney Soccer Field and Park;	37113
\$50,000 shall be used for the Beaver creek Community Athletic	37114

Association Facility and Park Upgrade; \$50,000 shall be used for 37115
the Columbus Zoo Education Center; \$50,000 shall be used for 37116
Dillon State Park Upgrades; \$50,000 shall be used for Indian Lake 37117
State Park Shoreline Improvements; \$25,000 shall be used for the 37118
Cleveland Police and Firefighters Memorial Park; \$25,000 shall be 37119
used for Grand Lake St. Mary's Improvements; \$25,000 shall be used 37120
for Geauga Veterans Monument Park Improvements; \$19,000 shall be 37121
used for East Fork State Park-Harsha Lake Dock Improvements; 37122
\$10,000 shall be used for the Marine Corps League Park/Monument; 37123
\$10,000 shall be used for Huntington Township Park Improvements; 37124
and \$5,000 shall be used for Morrow County Bicentennial Park. 37125

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37127

STATEWIDE TRAILS PROGRAM

37128

Of the foregoing reappropriation item C725L8, Statewide 37129
Trails Program, \$2,000,000 shall be used for the Ohio to Erie 37130
Trail by Franklin County Metro Parks; \$1,900,000 shall be used for 37131
the Cuyahoga Towpath Trail; and \$210,000 shall be used for the 37132
Trumbull Bike Trail. 37133

FEDERAL REIMBURSEMENT

37134

All reimbursements received from the federal government for 37135
any expenditures made pursuant to Sections 401.10 and 401.11 of 37136
this act shall be deposited in the state treasury to the credit of 37137
the Parks and Recreation Improvement Fund. 37138

Sec. 401.71. The Ohio Public Facilities Commission is hereby 37139
authorized to issue and sell, in accordance with Section ~~2m~~ 2p of 37140
Article VIII, Ohio Constitution, and pursuant to sections 151.01 37141
and 151.08 of the Revised Code, original obligations of the state, 37142
in an aggregate principal amount not to exceed \$120,000,000, in 37143
addition to the original obligations heretofore authorized by 37144
prior acts of the General Assembly. These authorized obligations 37145

shall be issued and sold from time to time, subject to applicable 37146
constitutional and statutory limitations, as needed to ensure 37147
sufficient moneys to the credit of the State Capital Improvements 37148
Fund (Fund 7038) to pay costs of the state in financing or 37149
assisting in the financing of local subdivision capital 37150
improvement projects. 37151

Section 610.51. That existing Sections 101.10, 103.80.50, 37152
201.30, 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 37153
496 of the 127th General Assembly are hereby repealed. 37154

Section 620.10. That Section 375.80.10 of Am. Sub. H.B. 119 37155
of the 127th General Assembly is hereby repealed. 37156

Section 620.20. That Section 5 of Am. Sub. H.B. 24 of the 37157
127th General Assembly is hereby repealed. 37158

Section 701.10. (A) As used in this section, "employer" has 37159
the same meaning as in division (D) of section 145.01 of the 37160
Revised Code. 37161

(B) Notwithstanding the penalty provided for in section 37162
145.47 of the Revised Code as it existed immediately prior to its 37163
amendment by this act, the Public Employees Retirement System 37164
shall recalculate, as described in this section, any penalty 37165
incurred under that section by an employer during the period 37166
beginning April 1, 2006, and ending the day before the effective 37167
date of this section, if the retirement system receives the 37168
recalculated amount not later than thirty days after the effective 37169
date of this section. The penalty shall be recalculated in 37170
accordance with section 145.47 of the Revised Code, as amended by 37171
this act. 37172

(C) If an employer fails to pay the recalculated amount in 37173

accordance with division (B) of this section, the retirement 37174
system shall reinstate to the original amount any penalty that was 37175
recalculated under division (B) of this section. If an employer 37176
fails to pay the reinstated penalty, that amount shall be withheld 37177
from the employer on certification by the Public Employees 37178
Retirement Board to the Director of Budget and Management or the 37179
county auditor, as appropriate. 37180

(D) If, prior to the effective date of this section, an 37181
employer described in division (B) of this section paid the 37182
penalty in accordance with section 145.47 of the Revised Code, as 37183
it existed immediately prior to its amendment by this act, the 37184
retirement system shall credit to the employer's account the 37185
difference between the amount of the penalty that was paid and the 37186
recalculated penalty to reduce any amounts due from the employer 37187
under Chapter 145. of the Revised Code. The credit shall be 37188
completed not later than six months after the effective date of 37189
this section. 37190

Section 703.20. Notwithstanding section 321.261 of the 37191
Revised Code, in any county that has a population exceeding four 37192
hundred thousand according to the most recent decennial census and 37193
upon certification by the county treasurer and the prosecuting 37194
attorney that surplus funds exist in the delinquent tax and 37195
assessment collection fund, a board of county commissioners of a 37196
county may, by resolution, authorize the use of up to the amount 37197
in the county's delinquent tax and assessment collection fund 37198
certified as surplus by the county treasurer and prosecuting 37199
attorney to prevent residential mortgage foreclosures in the 37200
county and to assist municipal corporations located in the county 37201
in the nuisance abatement of deteriorated residential buildings. 37202
The board of county commissioners shall appropriate moneys to the 37203
county treasurer or the prosecuting attorney for use in the 37204
prevention of residential mortgage foreclosures in the county and 37205

to fund grants to nonprofit corporations that are housing 37206
counseling agencies and to fund service contracts with nonprofit 37207
corporations that are housing counseling agencies and that, in 37208
furtherance of foreclosure prevention activities, provide 37209
financial assistance in the form of grants or loans to borrowers 37210
in default on their home mortgages, including for the payment of 37211
late fees, to clear arrearage balances, and to augment moneys used 37212
in the county's Foreclosure Prevention and Homebuyer Education 37213
Programs. The board of county commissioners shall appropriate 37214
moneys to the county treasurer or the prosecuting attorney for 37215
use, upon application from a political subdivision, in the 37216
nuisance abatement of deteriorated residential buildings, 37217
including paying the costs of boarding up and securing those 37218
buildings and lot maintenance and demolition costs. 37219

Section 705.10. Notwithstanding section 5709.73 of the 37220
Revised Code, a board of township trustees of a township with a 37221
population exceeding fifty-five thousand according to the most 37222
recent federal decennial census may adopt a resolution under 37223
division (B) of that section on or before December 31, 2008, by 37224
majority vote. Such a board may adopt a resolution under division 37225
(C) of that section on or before December 31, 2008, by majority 37226
vote, if the other requirements of that division are satisfied. 37227

Section 707.10. The Ohio Police and Fire Pension Fund Board 37228
shall file a semiannual report with the Ohio Retirement Study 37229
Council with respect to any investments sold, redeemed, divested, 37230
or withdrawn due to a company's business ties to Iran or Sudan. 37231

Section 711.10. (A) As used in this section, "Community 37232
development bank" has the meaning as set forth in the "Federal 37233
Deposit Insurance Corporation Improvement Act of 1991," 105 Stat. 37234
2317, 12 U.S.C. 1834b(e)(1). 37235

(B) Notwithstanding any contrary provision of section 135.33 37236
of the Revised Code, a community development bank, pursuant to 37237
that section, may apply to, and be designated by, a county as a 37238
depository of active moneys during the county's period of 37239
designation in effect on the effective date of this section if all 37240
of the following apply: 37241

(1) The bank is located in a county with a population of over 37242
one million three hundred thousand people based on the most recent 37243
decennial census figures from the United States Department of 37244
Commerce, Division of Census; 37245

(2) The bank has previously served the county described in 37246
division (B)(1) of this section as a depository; 37247

(3) The bank applies to the county described in division 37248
(B)(1) of this section to be a depository; and 37249

(4) The bank is an eligible institution under section 135.32 37250
of the Revised Code. 37251

Section 715.10. The Department of Natural Resources and the 37252
Department of Public Safety shall seek all available federal money 37253
to assist the City of Findlay in rebuilding infrastructure or 37254
building preventative infrastructure with respect to flood 37255
mitigation and preparation. 37256

Section 715.20. The General Assembly hereby declares that a 37257
loan that is currently outstanding and that was granted prior to 37258
1995 by the Ohio Water Development Authority to a regional water 37259
and sewer district concerning which the district originally 37260
received only an initial advance of less than \$5,000 from an 37261
original loan agreement of \$100,000 is hereby void and shall not 37262
be collected by the Authority. 37263

Section 715.40. It is the intent of the General Assembly that 37264

the authorization of a transfer of a portion of the interest money 37265
in the Coal-Workers Pneumoconiosis Fund created in section 4131.03 37266
of the Revised Code, by the amendment of that section by this act, 37267
to the Mine Safety Fund created in section 1561.24 of the Revised 37268
Code, as enacted by this act, is not to be a long-term funding 37269
source for the Mine Safety Fund. In addition, the General 37270
Assembly's authorization of such a transfer by this act does not 37271
establish a precedent for the transfer of money from other Bureau 37272
of Workers' Compensation funds to other funds. Finally, the 37273
Department of Natural Resources shall examine sources other than 37274
the Coal-Workers Pneumoconiosis Fund to provide money for the Mine 37275
Safety Fund and report its findings to the Bureau of Workers' 37276
Compensation Board of Directors immediately prior to the five-year 37277
review of the rules adopted under division (B)(2) of section 37278
4131.03 of the Revised Code, as amended by this act. 37279

37280

Section 733.10. (A) As used in this section: 37281

(1) "Eligible school district" means a city, exempted 37282
village, or local school district for which the certification of 37283
taxable values made under division (A) of section 3317.021 of the 37284
Revised Code for fiscal year 2007 and for fiscal year 2008 37285
erroneously included at least ten million dollars in assessed 37286
value of tax-exempt public utility property. 37287

(2) "Tax-exempt public utility property" means real or 37288
tangible personal property used in the provision of a public 37289
utility service that was exempted from taxation for tax years 2005 37290
and 2006 under section 5709.62 or 5709.63 of the Revised Code. 37291

(3) "State education aid" has the same meaning as in section 37292
5751.20 of the Revised Code, except that for fiscal year 2007, 37293
state education aid includes both of the following: 37294

(a) The transportation payment calculated under Section 37295

206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as 37296
amended, instead of division (D) of section 3317.022 of the 37297
Revised Code; 37298

(b) Transitional aid calculated under Section 206.09.39 of 37299
that act, as amended. 37300

(4) "2005 valuation adjustment" means the assessed value of 37301
tax-exempt public utility property that was included in the 37302
certification made under division (A) of section 3317.021 of the 37303
Revised Code for fiscal year 2007. 37304

(5) "2006 valuation adjustment" means the assessed value of 37305
tax-exempt public utility property that was included in the 37306
certification made under division (A) of section 3317.021 of the 37307
Revised Code for fiscal year 2008. 37308

(6) "Total taxes charged and payable for current expenses" 37309
has the same meaning as in section 3317.0216 of the Revised Code. 37310

(7) "2005 local revenue adjustment" means the amount of total 37311
taxes charged and payable for current expenses, as calculated for 37312
an eligible school district for fiscal year 2007, that is 37313
attributable to the tax exempt public utility property that was 37314
included in the certification made under division (A)(3)(a) of 37315
section 3317.021 of the Revised Code for that fiscal year. 37316

(8) "2006 local revenue adjustment" means the amount of total 37317
taxes charged and payable for current expenses, as calculated for 37318
an eligible school district for fiscal year 2008, that is 37319
attributable to the tax exempt public utility property that was 37320
included in the certification made under division (A)(3)(a) of 37321
section 3317.021 of the Revised Code for that fiscal year. 37322

(B)(1) The Department of Education shall recompute an 37323
eligible school district's state education aid for fiscal year 37324
2007 by reducing the total taxable value certified for the 37325
district under division (A) of section 3317.021 of the Revised 37326

Code for that fiscal year by an amount equal to the 2005 valuation 37327
adjustment, and by reducing the district's total taxes charged and 37328
payable for current expenses for that fiscal year by the 2005 37329
local revenue adjustment, and pay the district the increase in 37330
state education aid resulting from the recomputation. Each 37331
component of state education aid affected by the valuation and 37332
revenue adjustment shall be recomputed. Within forty-five days 37333
after the effective date of this section, the payment shall be 37334
made from money appropriated for fiscal year 2008 under the 37335
appropriation line items corresponding with the components of 37336
state education aid required to be recomputed under this division. 37337

37338

(2) The Department of Education shall recompute an eligible 37339
school district's state education aid for fiscal year 2008 by 37340
reducing the total taxable value certified for the district under 37341
division (A) of section 3317.021 of the Revised Code for that 37342
fiscal year by an amount equal to the 2006 valuation adjustment, 37343
and by reducing the district's total taxes charged and payable for 37344
current expenses for that fiscal year by the 2006 local revenue 37345
adjustment, and pay the district the increase in state education 37346
aid resulting from the recomputation. Each component of state 37347
education aid affected by the valuation and revenue adjustment 37348
shall be recomputed. The payment shall be made from money 37349
appropriated for fiscal year 2008 under the appropriation line 37350
items corresponding with the components of state education aid 37351
required to be recomputed under this division. The amount of the 37352
payment shall be divided in equal amounts among the remaining 37353
payments of state education aid required to be made during fiscal 37354
year 2008 that have not been paid before the effective date of 37355
this section, and paid at the same time as those payments. 37356

(3) The recomputed total taxable value, the recomputed total 37357
taxes charged and payable for current expenses, and state 37358

education aid recomputed under divisions (B)(1) and (2) of this 37359
section shall be regarded as the district's total taxable value, 37360
total taxes charged and payable for current expenses, and state 37361
education aid for fiscal year 2007 and 2008, respectively, for all 37362
purposes of Chapter 3317. of the Revised Code; Am. Sub. H.B. 66 of 37363
the 126th General Assembly, including the computation of 37364
transitional aid under Section 206.09.39 of that act, as amended; 37365
and Am. Sub. H.B. 119 of the 127th General Assembly, including 37366
under Section 269.30.80 of that act. 37367

(4) Any amounts payable under division (B)(1) or (2) of this 37368
section shall be reduced by any amount paid under section 3317.026 37369
of the Revised Code if the amount paid under that section was paid 37370
on account of refunded taxes charged against tax-exempt public 37371
utility property for tax year 2005 or 2006 and for which 37372
recomputation is made under division (B) of this section. 37373

(C) The Department of Education shall recompute an eligible 37374
school district's adjusted valuation per pupil, three-year average 37375
adjusted valuation per pupil, and average taxable value for the 37376
purposes of ranking the district under section 3318.011 of the 37377
Revised Code, and determining the district's portion of the basic 37378
project cost under section 3318.032 of the Revised Code, for any 37379
such computation that includes the taxable values certified for 37380
the district for tax year 2005 or 2006 under division (A) of 37381
section 3317.021 of the Revised Code. For computations of 37382
valuation per pupil or average taxable value that include the 37383
taxable value certified for tax year 2005, the recomputation shall 37384
incorporate the taxable values so certified reduced by the 2005 37385
valuation adjustment. For computations of valuation per pupil or 37386
average taxable value that include the taxable value certified for 37387
tax year 2006, the recomputation shall incorporate the taxable 37388
values so certified reduced by the 2006 valuation adjustment. 37389
Within forty-five days after the effective date of this act, the 37390

Department shall adjust the percentile ranking of the district in 37391
the same manner as it was certified to the Ohio School Facilities 37392
in September 2007, but using the 2005 and 2006 valuation 37393
adjustments, and perform the Department's other duties under 37394
section 3318.011 of the Revised Code to reflect the 37395
recomputations, and shall certify the recomputations and other 37396
information required by that section to the Ohio School Facilities 37397
Commission. The Commission shall adjust the portion of basic 37398
project cost to be supplied by the district on the basis of the 37399
department's certification. 37400

Section 733.12. The education offset recalculations made 37401
under section 5751.21 of the Revised Code for October 31, 2007, 37402
shall be calculated as if the amendments by this act of section 37403
5727.85 of the Revised Code were effective at that time. Any 37404
school district that becomes eligible for payment in calendar year 37405
2008 because of the recalculation shall receive its first-half 37406
payment along with its second-half payment in August 2008. 37407

Section 733.13. (A) As used in this section, "equity list" 37408
means the school district percentile rankings calculated under 37409
section 3318.011 of the Revised Code. 37410

(B) Not later than thirty days after the effective date of 37411
this section, the Department of Education shall create an 37412
alternate equity list for fiscal year 2008 by recalculating each 37413
school district's percentile ranking under section 3318.011 of the 37414
Revised Code and shall certify the alternate equity list to the 37415
Ohio School Facilities Commission. For this purpose, the 37416
Department shall recalculate every school district's percentile 37417
ranking using the district's "valuation per pupil" as that term is 37418
defined in the version of section 3318.011 of the Revised Code in 37419
effect on and after September 29, 2007. When recalculating the 37420
percentile rankings, the Department shall use the same values for 37421

"average taxable value," "formula ADM," and "income factor," as 37422
those terms are defined in section 3318.011 of the Revised Code, 37423
that it used in calculating the original equity list for fiscal 37424
year 2008 certified to the Commission on September 5, 2007, and 37425
shall not use any updated values for those variables. 37426

(C) The Commission shall use the alternate equity list 37427
certified under division (B) of this section to determine the 37428
priority for assistance under sections 3318.01 to 3318.20 of the 37429
Revised Code in fiscal year 2009 for each school district that has 37430
not previously been offered funding under those sections. The 37431
alternate equity list shall not affect any school district's 37432
eligibility for the Exceptional Needs School Facilities Assistance 37433
Program under section 3318.37 of the Revised Code. 37434

(D) Notwithstanding any provision of Chapter 3318. of the 37435
Revised Code to the contrary, for each school district that 37436
receives the Commission's conditional approval of the district's 37437
project under sections 3318.01 to 3318.20 or section 3318.37 of 37438
the Revised Code in fiscal year 2009, the district's portion of 37439
the basic project cost shall be the lesser of the following: 37440

(1) The amount required under section 3318.032 of the Revised 37441
Code calculated using the percentile in which the district ranks 37442
on the alternate equity list certified under division (B) of this 37443
section; 37444

(2) The amount required under section 3318.032 of the Revised 37445
Code calculated using the percentile in which the district ranks 37446
on the original equity list for fiscal year 2008. 37447

Section 733.14. (A) As used in this section: 37448

(1) "Alternative equity list" means a rank order of all city, 37449
exempted village, and local school districts into percentiles 37450
according to the one-year adjusted valuation per pupil of each 37451

district from lowest to higher adjusted valuation per pupil, 37452
computed as follows: 37453

(The district's total taxable value for tax year 2006 / the 37454
district's formula ADM for fiscal year 2007) - [\$30,000 x (1 -the 37455
district's income factor for fiscal year 2007)] 37456

(2) "Original equity list" means the school district 37457
percentile ranking according to the three-year average adjusted 37458
valuation per pupil of all city, exempted village, and local 37459
school districts calculated under section 3318.011 of the Revised 37460
Code and certified to the Ohio School Facilities Commission on 37461
September 5, 2007. 37462

(3) "Project" has the same meaning as in section 3318.01 of 37463
the Revised Code. 37464

(4) "School district's portion of the basic project cost" 37465
means the portion of the basic project cost computed under section 37466
3318.032 of the Revised Code. 37467

(5) "Total taxable value," "formula ADM," and "income factor" 37468
have the same meanings as in section 3317.02 of the Revised Code. 37469

(B) Not later than thirty days after the effective date of 37470
this section, the Department of Education shall create the 37471
alternative equity list defined in this section and shall certify 37472
that list to the Ohio School Facilities Commission for its use in 37473
determining funding of school district projects for fiscal year 37474
2009, in the manner prescribed in division (C) of this section. 37475

(C) Notwithstanding any provision to the contrary in Chapter 37476
3318. of the Revised Code, for fiscal year 2009 only, in the case 37477
of any school district that has not received funding under 37478
sections 3318.01 to 3318.20 of the Revised Code in any fiscal year 37479
prior to fiscal year 2009 and for which the district's rank on the 37480
alternative equity list is at least fifteen percentiles lower than 37481
the district's rank on the original equity list: 37482

(1) The Commission shall use the district's percentile on the 37483
alternative equity list to determine the district's priority for 37484
assistance and the school district's portion of the basic project 37485
cost for a project under sections 3318.01 to 3318.20 of the 37486
Revised Code, rather than the district's percentile on the 37487
original equity list as otherwise provided under those sections; 37488

(2) The Commission shall use the district's percentile on the 37489
alternative equity list to determine the school district's portion 37490
of the basic project cost for a project under section 3318.37 of 37491
the Revised Code, rather than the district's percentile on the 37492
original equity list as otherwise provided under that section. The 37493
alternative equity list shall not affect any school district's 37494
eligibility and priority for assistance under that section. 37495

The Commission shall not use the alternative equity list to 37496
determine the priority for funding or a school district's portion 37497
of the basic project cost for any other school district or for any 37498
other program administered by the Commission. 37499

(D) If a school district is offered funding under sections 37500
3318.01 to 3318.20 or section 3318.37 of the Revised Code for 37501
fiscal year 2009 based on this section, the district's project 37502
shall proceed as specified in those sections, except as otherwise 37503
provided in this section. 37504

Section 733.15. Notwithstanding division (B) of section 37505
3318.40 of the Revised Code, the Ohio School Facilities Commission 37506
may set aside up to three per cent of the aggregate amount 37507
appropriated to it in fiscal year 2008 for classroom facilities 37508
assistance projects in the Education Facilities Trust Fund 37509
established under section 183.26 of the Revised Code, the Public 37510
School Building Fund established under section 3318.15 of the 37511
Revised Code, and the School Building Program Assistance Fund 37512
established under section 3318.25 of the Revised Code to provide 37513

assistance to joint vocational school districts for the 37514
acquisition of classroom facilities in accordance with sections 37515
3318.40 to 3318.45 of the Revised Code. 37516

Section 733.20. Notwithstanding any provision to the contrary 37517
in Chapter 3314. of the Revised Code, with respect to the 37518
calculation of full-time equivalency under division (L)(3) of 37519
section 3314.08 of the Revised Code, the Superintendent of Public 37520
Instruction shall waive the number of hours or days of learning 37521
opportunities not offered to a student because a community school 37522
was closed during the 2007-2008 school year due to disease 37523
epidemic, hazardous weather conditions, inoperability of school 37524
buses or other equipment necessary to the school's operation, 37525
damage to a school building, or other temporary circumstances due 37526
to utility failure rendering the school building unfit for school 37527
use, so long as the school was actually open for instruction with 37528
pupils in attendance during that school year for not less than 37529
nine hundred twenty hours. For purposes of determining funding for 37530
the community school under Chapter 3314. of the Revised Code for 37531
the 2007-2008 school year, the Department of Education shall treat 37532
the school as if it were open for instruction with pupils in 37533
attendance during the hours or days waived under this section. 37534

Section 733.21. (A) Notwithstanding sections 3313.48, 37535
3313.481, and 3317.01 of the Revised Code, no school district to 37536
which the following conditions apply shall be required to make up 37537
any days or hours a school was closed during the 2007-2008 school 37538
year due to flooding from a burst water pipe: 37539

(1) The flooding caused the school to be closed for only one 37540
day in excess of the number permitted by sections 3313.48, 37541
3313.481, and 3317.01 of the Revised Code and the other schools of 37542
the district were not closed for any days in excess of the number 37543

permitted by those sections. 37544

(2) The length of the school day for the school closed due to 37545
flooding exceeds the minimum number of hours required by the State 37546
Board of Education under section 3313.48 of the Revised Code by at 37547
least one-half hour. 37548

(B) A school district described in division (A) of this 37549
section shall not be considered to have failed to comply with 37550
division (B) of section 3317.01 of the Revised Code during the 37551
2007-2008 school year for purposes of receiving state payments 37552
under Chapter 3317. of the Revised Code in fiscal year 2009. 37553

Section 733.30. (A)(1) The clearinghouse of distance learning 37554
courses established under former sections 3353.20 to 3353.30 of 37555
the Revised Code is hereby moved from the eTech Ohio Commission to 37556
the Chancellor of the Ohio Board of Regents. On and after the 37557
effective date of this section, that clearinghouse shall be 37558
administered by the Chancellor in the manner prescribed by 37559
sections 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 37560
3353.26 (3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 37561
3353.29 (3333.88) of the Revised Code, as amended and renumbered 37562
by this act, new section numbers indicated in parentheses, and 37563
section 3333.84 of the Revised Code as enacted by this act. 37564

(2) The Chancellor is thereupon and thereafter successor to 37565
and assumes the obligations of the Commission as they relate to 37566
the distance learning clearinghouse. 37567

(3) Any business commenced but not completed by the 37568
Commission related to the distance learning clearinghouse shall be 37569
completed by the Chancellor in the same manner, and with the same 37570
effect, as if completed by the Commission. No validation, cure, 37571
right, privilege, remedy, obligation, or liability is lost or 37572
impaired by reason of moving the clearinghouse from the Commission 37573
to the Chancellor. 37574

(4) All of the rules of the Commission related to the 37575
distance learning clearinghouse continue in effect as rules of the 37576
Chancellor, until amended or rescinded by the Chancellor. 37577

(B) No judicial or administrative action or proceeding 37578
related to the distance learning clearinghouse, in which the 37579
Commission is a party, that is pending on the effective date of 37580
this section is affected by reason of moving the clearinghouse 37581
from the Commission to the Chancellor. Such action or proceeding 37582
shall be prosecuted or defended in the name of the Chancellor. On 37583
application to the court or other tribunal, the Chancellor of the 37584
Ohio Board of Regents shall be substituted for the eTech Ohio 37585
Commission as a party to such action or proceeding. 37586

(C) On the effective date of this section, all books, 37587
records, documents, files, transcripts, equipment, furniture, 37588
supplies, and other materials related to the distance learning 37589
clearinghouse assigned to or in the possession of the Commission 37590
shall be transferred to the Chancellor. 37591

Section 733.40. DOE MEDICAID SCHOOL COMPONENT OF THE MEDICAID 37592
PROGRAM 37593

Upon the request of the Superintendent of Public Instruction, 37594
the Director of Budget and Management may transfer up to 37595
\$1,000,000 cash and appropriation in fiscal year 2009 from General 37596
Revenue Fund appropriation item 200550, Foundation Funding, to 37597
appropriation item 200603, Schools Medicaid Administrative Claims 37598
(Fund 3AF0). The funds transferred are to be used by the 37599
Department of Education to pay the expenses the Department incurs 37600
in administering the Medicaid School Component of the Medicaid 37601
program established under sections 5111.71 to 5111.715 of the 37602
Revised Code. On June 1, 2009, or as soon as possible thereafter, 37603
the Director of Budget and Management shall transfer cash and 37604
appropriation back to General Revenue Fund appropriation item 37605

200550, Foundation Funding, the total amount transferred in fiscal year 2009. 37606
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The money deposited into the Medicaid School Program 37608
Administrative Fund (Fund 3AF0) pursuant to division (B) of 37609
section 5111.714 of the Revised Code is hereby appropriated to 37610
appropriation item 200603, Schools Medicaid Administrative Claims, 37611
for fiscal year 2009 and shall be used in accordance with division 37612
(D) of section 5111.714 of the Revised Code. 37613

Section 733.50. Notwithstanding divisions (A)(1)(b) and (c) 37614
of section 3333.122 of the Revised Code, an Ohio resident who 37615
first enrolls in an undergraduate program in the 2008-2009 37616
academic year in an education program of at least two years' 37617
duration sponsored by a private institution of higher education in 37618
this state that meets the requirements of Title VI of the Civil 37619
Rights Act of 1964 and that as of July 1, 2008, has a pending 37620
application for a certificate of authorization from the Chancellor 37621
of the Board of Regents pursuant to Chapter 1713. of the Revised 37622
Code shall be an eligible student, as defined in section 3333.122 37623
of the Revised Code. 37624

For purposes of this section, "pending application" means a 37625
submitted application approved as sufficient by the Chancellor and 37626
that has not been otherwise denied or withdrawn. 37627

Section 733.60. The Governor shall consult with the Speaker 37628
of the House of Representatives and the President of the Senate 37629
prior to appointing initial members of the board of trustees of 37630
the Northeastern Ohio Universities College of Medicine under 37631
division (A)(3) of section 3350.10 of the Revised Code. 37632

Section 737.10. HOME MEDICAL EQUIPMENT SERVICE PROVIDERS 37633
If a provider of home medical equipment services holds a 37634

license or certificate of registration scheduled to expire in an 37635
odd-numbered year pursuant to sections 4752.05 and 4752.12 of the 37636
Revised Code, as those sections existed prior to being amended by 37637
this act, the next renewal of the license or certificate that 37638
occurs after the effective date of this section shall be processed 37639
by the Ohio Respiratory Care Board in accordance with the 37640
even-numbered year licensing and registration periods specified in 37641
sections 4752.05 and 4752.12 of the Revised Code, as amended by 37642
this act. The Board shall provide for a proportionate reduction in 37643
the renewal fee that otherwise would apply for renewing the 37644
license or certificate. 37645

Section 743.10. (A) It is the intent of the General Assembly 37646
in amending sections 4301.071, 4303.232, and 4303.33 of the 37647
Revised Code in this act to clarify that the amendments made to 37648
section 4301.43 and the enactment of sections 4303.071 and 37649
4303.232 of the Revised Code by Am. Sub. H.B. 119 of the 127th 37650
General Assembly were not meant to subject the holders of B-2a 37651
permits or S permits to the tax levied under section 4301.43 of 37652
the Revised Code. The imposition of the tax levied under Section 37653
4301.43 of the Revised Code on those permit holders was the result 37654
of a technical drafting error that the General Assembly is now 37655
correcting with this section. 37656

(B) The Tax Commissioner shall determine the amount of tax 37657
that has been levied under section 4301.43 of the Revised Code on 37658
each holder of a B-2a permit and each holder of an S permit and 37659
that should not have been collected for the time period beginning 37660
on October 1, 2007, and ending on December 31, 2007, or for any 37661
period in calendar year 2008 for which a B-2a or S permit holder 37662
has already filed a return and paid the tax levied under section 37663
4303.43 of the Revised Code prior to the effective date of this 37664
section. The Tax Commissioner then shall refund the amounts so 37665
determined to the applicable B-2a permit holders and S permit 37666

holders. 37667

Section 751.10. ICF/MR CONVERSION 37668

(A) As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 37669
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37671

(B) For each quarter of fiscal year 2009, the Director of Mental Retardation and Developmental Disabilities shall certify to the Director of Budget and Management the estimated amount to be transferred from the Department of Job and Family Services to the Department of Mental Retardation and Developmental Disabilities for the provision of home and community-based services made available by the slots sought under section 5111.877 of the Revised Code. On receipt of the certification from the Director of Mental Retardation and Developmental Disabilities, the Director of Budget and Management may do one or more of the following: 37672
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(1) Reduce GRF appropriation item 600-525, Health Care/Medicaid, in the Department of Job and Family Services, by the estimated amount for providing the home and community-based services and increase GRF appropriation item 322-416, Medicaid Waiver - State Match, in the Department of Mental Retardation and Developmental Disabilities, by the state share of the estimated amount for the provision of the home and community-based services; 37683
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37690

(2) Increase appropriation item 322-639, Medicaid Waiver - Federal, in the Department of Mental Retardation and Developmental Disabilities, by the federal share amount of the estimated amount for the provision of the home and community-based services; 37691
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37693
37694

(3) Increase appropriation item 600-655, Interagency Reimbursement, in the Department of Job and Family Services, by 37695
37696

the federal share of the estimated amount for the provision of the 37697
home and community-based services. 37698

Section 751.20. MONEY FOLLOWS THE PERSON ENHANCED 37699
REIMBURSEMENT FUND 37700

The Money Follows the Person Enhanced Reimbursement Fund is 37701
hereby created in the state treasury. The federal payments made to 37702
the state under subsection (e) of section 6071 of the "Deficit 37703
Reduction Act of 2005," Pub. L. No. 109-171, shall be deposited 37704
into the Fund. The Department of Job and Family Services shall use 37705
money deposited into the Fund for system reform activities related 37706
to the Money Follows the Person demonstration project. 37707

Section 751.23. JFS MEDICAID SCHOOL COMPONENT OF THE MEDICAID 37708
PROGRAM 37709

At the request of the Director of Job and Family Services, 37710
the Director of Budget and Management may increase the 37711
appropriation in appropriation item 600655, Interagency 37712
Reimbursement, for fiscal year 2009 by the amounts the Department 37713
of Job and Family Services receives from the federal government 37714
for the federal share of Medicaid services provided under, and 37715
administrative costs of, the Medicaid School Component of the 37716
Medicaid program established under sections 5111.71 to 5111.715 of 37717
the Revised Code. 37718

Section 751.30. MORATORIUM ON CLOSURE OF STATE MENTAL HEALTH 37719
FACILITIES 37720

(A) As used in this section, "state mental health facility" 37721
means an institution for the care and treatment of individuals 37722
with mental illness that is maintained, operated, managed, and 37723
governed by the Department of Mental Health pursuant to Chapter 37724
5119. of the Revised Code. 37725

(B) Until six months after the effective date of this 37726
section, neither the Governor nor the Department of Mental Health 37727
shall close a state mental health facility, notwithstanding the 37728
provisions of Chapter 5119. of the Revised Code or any other 37729
provision of the Revised Code under which the Department has 37730
jurisdiction over state mental health facilities. 37731

Section 757.10. The purpose of the amendment by this act of 37732
section 5709.121 of the Revised Code is to clarify the intent of 37733
the General Assembly that institutions of the kind described in 37734
the amendment are charitable institutions for the purposes of that 37735
section as it existed before the effective date of the amendment. 37736
Therefore, the amendment applies to any application for exemption, 37737
or the property that is the subject of such application, pending 37738
before the Tax Commissioner on the effective date of this act or 37739
filed thereafter. 37740

Section 803.03. Notwithstanding division (E)(3) of section 37741
5721.37 of the Revised Code, the holder of a certificate for which 37742
a notice of intent to foreclose has been filed with the county 37743
treasurer before the effective date of this section shall have 37744
ninety days from the effective date of this section to file 37745
foreclosure proceedings in a court of competent jurisdiction. 37746

Section 803.06. The amendment by this act of section 5739.02 37747
of the Revised Code, adding divisions (B)(49) and (50), applies to 37748
sales described in those divisions on or after August 1, 2008. 37749
37750

Section 803.10. That the amendment of section 5747.01 of the 37751
Revised Code by this act applies to taxable years beginning on or 37752
after January 1, 2008. 37753

Section 803.20. The amendment by this act to section 6117.012 37754
of the Revised Code applies to any proceedings, covenant, 37755
stipulation, obligation, resolution, trust agreement, indenture, 37756
loan agreement, lease agreement, agreement, act, or action, or 37757
part of it, pending on the effective date of this act. 37758

Section 803.31. Sections 4117.14 and 4117.15 of the Revised 37759
Code, as amended by this act, apply only to collective bargaining 37760
agreements and extensions and renewals of those agreements entered 37761
into on or after the effective date of those sections as amended 37762
by this act. 37763

Section 803.40. Sections 4123.26, 4123.32, 4123.37, and 37764
4123.54 of the Revised Code, as amended by this act, apply to all 37765
claims pursuant to Chapters 4121., 4123., and 4131. of the Revised 37766
Code arising on and after the effective date of those sections as 37767
amended by this act. 37768

Section 803.50. BOARDS OF ALCOHOL, DRUG ADDICTION, AND MENTAL 37769
HEALTH SERVICES 37770

The amendments made by this act to section 340.02 of the 37771
Revised Code specifying the areas of interest to be reflected in 37772
the composition of a board of alcohol, drug addiction, and mental 37773
health service do not affect the terms of the members holding 37774
office on the effective date of this section. 37775

Section 806.10. The items of law contained in this act, and 37776
their applications, are severable. If any item of law contained in 37777
this act, or if any application of any item of law contained in 37778
this act, is held invalid, the invalidity does not affect other 37779
items of law contained in this act and their applications that can 37780
be given effect without the invalid item or application. 37781

Section 812.10. Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code. Such an amendment, enactment, or repeal takes effect on the date specified below for the amendment, enactment or repeal or, if a date is not specified below for the amendment, enactment or repeal, on the ninety-first day after this act is filed with the Secretary of State.

Sections 9.231, 9.24, 9.835, 107.19, 113.061, 120.08, 121.31, 122.171, 124.821, 125.02, 125.021, 125.022, 125.04, 125.041, 125.05, 125.051, 125.06, 125.07, 125.18, 125.25, 127.16, 133.08, 133.52, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 135.61, 135.63, 135.65, 135.66, 145.47, 156.02, 165.01, 165.03, 303.12, 303.211, 303.213, 306.43, 307.697, 317.32, 319.301, 321.261, 340.02, 340.021, 351.26, 519.12, 519.211, 715.73, 715.74, 901.42, 1332.04, 1561.011, 1561.16, 1561.17, 1561.23, 1561.24, 1561.25, 1561.26, 1561.261, 1565.15, 1567.64, 1567.681, 1751.01, 1751.04, 1751.05, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 1751.16, 1751.17, 1751.18, 1751.20, 1751.31, 1751.34, 1751.53, 1751.60, 1751.89, 2743.49, 2744.05, 2903.12, 2915.101, 2923.11, 2949.092, 2949.094, 3111.04, 3113.06, 3119.023, 3119.54, 3301.0714, 3310.42, 3311.21, 3311.24, 3313.842, 3313.978, 3314.016, 3314.02, 3314.03, 3314.05, 3314.086, 3314.37, 3316.03, 3316.041, 3316.06, 3316.08, 3317.161, 3317.20, 3319.291, 3323.30, 3323.31 (3323.33), 3323.32 (3323.34), 3323.33 (3323.35), 3333.045, 3333.58, 3333.84, 3335.05, 3341.03, 3343.08, 3344.02, 3345.34, 3350.10, 3352.02, 3353.02, 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 3353.23, 3353.24, 3353.25, 3353.26 (3333.85), 3353.27 (3333.86), 3353.28 (3333.87), 3353.29 (3333.88), 3353.30, 3354.16, 3355.12, 3356.02, 3357.16, 3359.02, 3361.02, 3364.02, 3365.15, 3703.01, 3734.821, 3735.67, 3743.02, 3743.04, 3743.15,

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3923.443, 3925.101, 3961.04, 4112.12, 4117.14, 4117.15, 4123.26, 37816
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4511.101, 4511.181, 4511.191, 4731.65, 4731.71, 4735.01, 4735.02, 37819
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4928.20, 4981.14, 5101.26, 5101.5211, 5101.5212, 5101.5213, 37822
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6117.06, 6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 37833
6117.41, 6117.42, 6117.43, 6117.44, 6117.45, 6117.49, 6121.045, 37834
and 6123.042 of the Revised Code. New sections 3323.31 and 3323.32 37835
of the Revised Code that replace sections bearing the same numbers 37836
that have been renumbered. 37837

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37839
Section 5 of Am. Sub. H.B. 24 of the 127th General Assembly, 37840
Section 203.10 of Am. Sub. H.B. 67 of the 127th General Assembly, 37841
and Sections 103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 37842
401.11, and 401.71 of H.B. 496 of the 127th General Assembly, all 37843
as amended by this act. 37844

All sections of this act prefixed with a section number in 37845

the 200s. 37846

Sections 701.10, 703.20, 705.10, 711.10, 715.10, 715.40, 37847
733.30, 733.60, 737.10, 757.10, 803.03, 803.10, 803.20, 803.31, 37848
803.40, 803.50, 812.10, 812.40, and 815.10 of this act. 37849

Section 812.20. The amendment, enactment, or repeal by this 37850
act of the following sections is exempt from the referendum under 37851
Ohio Constitution, Article II, Section 1d and section 1.471 of the 37852
Revised Code and takes effect on the date specified below for the 37853
amendment, enactment or repeal or, if a date is not specified 37854
below for the amendment, enactment or repeal, immediately when 37855
this act becomes law. 37856

Sections 105.41, 113.40, 117.13, 117.38, 149.30, 519.213, 37857
713.081, 2903.213, 2903.214, 2907.10, 2919.26, 2943.033, 3107.018, 37858
3113.31, 3314.40, 3317.11, 3318.01, 3318.03, 3318.032, 3318.033, 37859
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5111.8815, 5111.8816, 5111.8817, 5111.94, 5112.311, 5123.196, 37869
5703.82, 5727.84, 5727.85, 5739.21, 5745.05, 5751.20, and 5751.21 37870
of the Revised Code. 37871

The enactment of sections 5112.371 and 5123.0417 of the 37872
Revised Code takes effect July 1, 2008. 37873

The amendment of section 5112.37 of the Revised Code takes 37874
effect July 1, 2008. 37875

Except as otherwise provided in this paragraph, the amendment 37876
of section 5112.31 of the Revised Code takes effect July 1, 2008. 37877
The amendment striking ", except as adjusted under section 37878
5112.311 of the Revised Code," takes effect immediately when this 37879
act becomes law. 37880

The repeal of section 5739.213 of the Revised Code takes 37881
effect July 1, 2008. 37882

Sections 203.50, 315.10, and 555.19 of Am. Sub. H.B. 67 of 37883
the 127th General Assembly, Sections 201.10 and 512.70 of Am. Sub. 37884
H.B. 100 of the 127th General Assembly, Sections 207.20.50, 37885
207.20.70, 207.30.10, 207.30.20, 207.30.30, 219.10, 235.10, 37886
249.10, 261.10, 263.10, 263.20.10, 263.20.80, 263.30.10, 37887
269.30.30, 269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 37888
299.10, 307.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 37889
309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 37890
337.40.15, 369.10, 375.10, 375.80.10, 379.10, 393.10, 405.10, 37891
407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of the 37892
127th General Assembly, and Section 101.10 of H.B. 496 of the 37893
127th General Assembly, all as amended by this act. 37894

Sections 503.10, 503.20, 503.30, 515.10, 515.20, 515.21, 37895
515.30, 515.40, 515.50, 515.60, 707.10, 715.20, 733.10, 733.13, 37896
733.14, 733.15, 733.20, 733.21, 733.40, 733.50, 751.10, 751.20, 37897
751.23, 751.30, 806.10, and 812.20 of this act. 37898

Section 812.30. The amendment, enactment, or repeal by this 37899
act of the following sections provides for or is essential to 37900
implementation of a tax levy, is exempt from the referendum under 37901
Ohio Constitution, Article II, Section 1d, and takes effect on the 37902
date specified below for the amendment, enactment, or repeal or, 37903
if a date is not specified below for the amendment, enactment, or 37904
repeal, immediately when this act becomes law. 37905

Sections 1346.03, 2921.13, and 5739.02 of the Revised Code. 37906

Sections 743.10, 803.06, and 812.30 of this act. 37907

Section 812.40. The amendment by this act of the sections of 37908
law that are listed in the left-hand column of the following table 37909
combine amendments that are and are not exempt from the referendum 37910
under Ohio Constitution, Article II, Sections 1c and 1d and 37911
section 1.471 of the Revised Code. 37912

The middle column identifies the amendments that are subject 37913
to the referendum under Ohio Constitution, Article II, Section 1c 37914
and section 1.471 of the Revised Code and take effect on the 37915
ninety-first day after this act is filed with the Secretary of 37916
State. 37917

The right-hand column identifies the amendments that are 37918
exempt from the referendum under Ohio Constitution, Article II, 37919
Section 1d and section 1.471 of the Revised Code and take effect 37920
immediately when this act becomes law. 37921

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
3317.023	Division (P)	Divisions (A) and (O)	37922 37923

Section 815.10. Section 4301.421 of the Revised Code is 37924
presented in this act as a composite of the section as amended by 37925
both Sub. H.B. 239 and Am. Sub. S.B. 188 of the 121st General 37926
Assembly. The General Assembly, applying the principle stated in 37927
division (B) of section 1.52 of the Revised Code that amendments 37928
are to be harmonized if reasonably capable of simultaneous 37929
operation, finds that the composite is the resulting version of 37930
the section in effect prior to the effective date of the section 37931
as presented in this act. 37932